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ABSTRACT

Prior to 1858, the women in Great Britain were denied the right to attend courses in the medical curricula that were prerequisites to the practicing of medicine in that country. The movement to permit women to study and practice medicine was spearheaded by Sophia Jex-Blake when she sought admission to the medical classes in the University of Edinburgh in 1869. She fought and won the privilege of attending the medical classes in the university under limited conditions, and she was later joined by 4 other women seeking the same right. Final and total victory was won when, in 1878, Parliament redefined the Medical Act of 1858 to confirm women's eligibility for medical education in separate classes, for their admission to the prescribed examinations, and for their right to be duly registered as physicians. This document presents an account of the movement to secure these rights to study and practice medicine in Great Britain. (HS)

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MEDICAL EDUCATION FOR WOMEN IN GREAT BRITAIN

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MEDICAL EDUCATION FOR WOMEN IN GREAT BRITAIN

Edythe Lutzker

Submitted in partial fulfillment of the requirements
for the degree of Master of Arts, in the
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June 1959

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CHAPTER I

INTRODUCTION

The purpose of this study is to give an account of the campaigns waged in mid-nineteenth century England by the pioneers of the movement to secure for women the opportunity to study and to practice medicine in Great Britain.

In 1858, in response to public demand that the procedures connected with the examining, licensing, and registration of physicians and surgeons be clarified, codified, and regulated, Parliament enacted the Medical Reform Bill. The Bill, admirable in its provisions, made no reference to women in the medical profession. Indeed, prior to 1858, women were not accepted as students in the medical schools. They did practice midwifery but that was not included in the category of medicine.[1] Those women who had procured medical diplomas in European universities could not practice in Great Britain because the right to practice medicine was granted only to students who had completed approved courses in a British school; and, in Great Britain, women were not admitted to medical courses.

One of the clauses of the 1858 Act permitted the registration of medical graduates already in practice in the country. That was the entering wedge for women to claim the right to study and to practice medicine in Great Britain. Dr. Elizabeth Blackwell (1821-1910), an American physician with seven years experience had come to England to

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1 See Appendix A for an account of the status of midwifery in Great Britain from the first quarter of the 17th century until 1902 when the Midwives' Act was enacted providing for the examination and registration of midwives.

take up practice there. Under the clause referred to, she claimed and won recognition and the right to practice.

The movement to permit women to study and practice medicine was spearheaded by Sophia Jex-Blake (1846-1912) when she sought admission to the medical classes in the University of Edinburgh. Unaided at the time by the public because of the novelty of the idea of women serving as doctors, and opposed by most of the doctors in the country, she fought and won the privilege of attending the medical classes in the university under limited conditions. Later she was joined by four women who sought the same right or privilege. The struggle was an uphill one; it shook the social assumptions of the time and the smugness of the already registered physicians. Final and total victory was won when, in 1878, Parliament redefined the Medical Act of 1858 to confirm women's eligibility for medical education in separate classes, for their admission to the prescribed examinations and for their right to be duly registered as doctors.

In a sense the campaign waged by Sophia Jex-Black and her associates was a reflection of the stirring among women on both sides of the Atlantic to gain equality with men. In the United States there were Susan B. Anthony, Mary Edwards Walker, and Anna Howard Shaw, among many others. In Great Britain they had their counterparts. Sophia Jex-Blake did not start out to carry on the fight of the women's rights champions; but as she became engrossed in the struggle to win the right to a medical education for herself and others, she became a professional feminist. Indeed, the account of her activities to remove the restrictions against women to become physicians, which she wrote in 1872 and revised in 1886, reads like a chapter in the history of feminism.

CHAPTER II

THE CHALLENGE IN EDINBURGH

In 1858 a statute was passed by Parliament to control medical qualifications. One of its clauses required that the name of every legally qualified medical practitioner be recorded in a Register. Another provided that those who had received their medical education in foreign or colonial universities and who were already in practice were entitled to be registered. After 1858, however, a new applicant for registration would be required to hold a license, diploma, or degree from one of the nineteen British Examining Boards provided for in the Act. Representatives from these Boards made up a "General Council of Medical Education and Registration of the United Kingdom."

The General Medical Council was not, however, required to conduct examinations. To study medicine on the European continent or in the United States, therefore, would be of no avail because a student who did not complete the approved course of study at a British school and did not pass an examination could be excluded from the right to practice.[1] This pre-requisite served admirably to exclude women, though there is no evidence that such was the intention of the framers of the legislation.[2]

When the Medical Act of 1858 was passed, women practitioners were not accepted in British medical circles. Elizabeth Blackwell (1821-1910) had graduated in 1849 from a medical college in Geneva, New York. After practicing for seven years in New York City, she had come to England in 1858 and entered the medical profession. On January 1, 1859,[3] she became the first woman to be registered under the Medical Act, benefitting by the provision that medical graduates already in practice could be registered, and a precedent was thereby established.

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[1] 21 and 22 Vict. c. 90.

[2] This was so stated by Lord Aberdare, Lord President; James Stansfeld, a member of the Cabinet; and Mr. Cowper-Temple, who as Vice President was especially concerned with the passage of the Act. Cf. also, Ray Strachey, The Cause (London, 1928), p. 169.

What served to upset the status quo--the right to be registered--was the registration won by Elizabeth Garrett (1836-1917), later Mrs. Garrett Anderson. Her decision in 1860 to study medicine made mandatory her attendance at one of the schools under the control of the nineteen agencies named in the Medical Act of 1858. After some refusals she won acceptance at Apothecaries' Hall, one of the nineteen, whose rules stipulated that no candidate complying with the conditions of study could be refused examination. She had some difficulties not met by other students. She could not gain entrance to all classes; she had to hire teachers for private instruction, and she had to leave clinical training at Middlesex Hospital when male students objected, reportedly because of her superior work. But she completed her studies at London Hospital, and in 1865 was licensed to practice.[4]

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[3] Elizabeth Blackwell, Pioneer Work in Opening the Medical Profession to Women (London, 1895), p. 223.

[4] She went to Paris for further study in 1870 and won honors in post-graduate work. But the British Register carries her name as the holder solely of a licentiate of Apothecaries' Hall. She became Dean of the Medical School for Women in 1883 and had the honor of presenting the first two women medical students for graduation from the University of London, which in 1862 had, by a majority of one vote, rejected her own application for examination. She was invited, in 1908, to fill the unexpired term of Mayor of Aldeburgh, an office held by her husband at this death the previous year. Her re-election the following year was unanimous.

Elizabeth Garrett's success was seen by some medical authorities as undesirable. The rules appeared to be too loose. They were changed by the Master and Wardens of the Apothecaries' Society to prohibit medical students from substituting private instruction for class instruction: a leading medical journal expressed its approval.[5]

> For ourselves, we hold that the admission of women in the ranks of medicine is an egregious blunder, derogatory to the status and character of the female sex, and likely to be injurious to the highest degree to the interests and public estimation of the profession which they seek to invade. By insisting on the attendance of all students at the public-class delivery of anatomical lectures, and in the public-class dissecting-room, the only possible guarantee of uniformity of teaching will be obtained, and, at the same time, a difficulty will be placed in the way of female intrusion which it will not be easy for women of character, and clearly none else are eligible, to surmount. We hope, however, that the Court of Examiners will not stop with the erection of the barrier we suggest, but that they will distinctly refuse to admit any female candidate to examination unless compelled by a legal decision from the bench; and we also hope that they will be supported in such refusal by the Master and Wardens of the Society, as well as by the profession out-of-doors.

This new rule closed the door to women aspirants, yet did not violate any provision of the stipulations for medical study laid down in the Medical Act of 1858.

When Sophia Jex-Blake was looking into the advisability of studying medicine, she spoke to and corresponded with medical professors in London and elsewhere in England and learned that the English medical educational authorities did not view women students with favor. She was told that she could go to any one of several European countries where such difficulties did not exist. But to what end? To obtain a license to practice medicine in England, she would have to qualify under the

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[5] Medical Times and Gazette, February 23, 1867, p. 199.

Medical Act of 1858, and to claim registration she had to earn a degree from one of the nineteen institutions. For the right to meet the conditions specified, she was willing to make a fight.

The registrar of the University of London informed her that the exclusion of women students as medical degree candidates was deliberately contrived. She gave little consideration to Oxford and Cambridge because neither offered a full medical education. She decided upon Scotland because the Scots were reputed to take a liberal view in formulating educational policy, and because the Scottish universities boasted of freedom from ecclesiastical and other restraints.

In Scotland, as in England, the question of excluding women from the study of medicine had never been specifically considered since no occasion warranting such deliberation had arisen.[6] But the administrative structure of the University of Edinburgh which Miss Jex-Blake wished to attend was quite complex and one that was likely to check her aspiration to qualify as a medical student.

First, there was the Medical Faculty of the medical professors only. Then there was the Senatus,[7] made up of the Principal and the professors of all the faculties in the University. The third branch of the administration was the General Council of the University which included those graduates who were registered as members. Finally, there was the University Court which was the most representative and included influential members of the administration. It consisted of the Rector of the University, the Principal, the Lord Provost of Edinburgh together with five other members, appointed to the Court by the Chancellor, the Rector, the Senatus, the Town Council of Edinburgh, and the General Council of the University, respectively.

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[6] See Appendix B

[7] The Senatus is the governing body of the University.

Sophia Jex-Blake applied for admission to the University of Edinburgh in March, 1869. She had already made some friends among the medical professors, including the Dean of the Medical Faculty, J. H. Balfour. Others were Sir James Y. Simpson and Hugh Bennett. She was able to judge who would be for her and against her at the Medical Faculty meeting that would discuss her application.

> Four distinct votes in my favor, I believe, if all go and all keep faith with me. Allman. . . Bennett, Balfour, Simpson. Against me, distinctly, Christison,[8] Laycock, and probably Henderson; doubtful, Turner, Spence, and perhaps, Syme.[9] Besides Maclaren (ill) and Playfair (probably absent).

Dr. Laycock had told her that he "could not imagine any decent woman wishing to study medicine--as for any lady, that was out of the question."[10] But the leading and most persistent objector to the women was Sir Robert Christison (1797-1882), Professor of Medical Jurisprudence at the University of Edinburgh from 1822 to 1832 when he accepted the chair of medicine and therapeutics, which he held until 1877. Famous in his profession, he was appointed physician to Queen Victoria in 1848 and received a baronetcy in 1871. Unlike many of his colleagues, he never wavered in his opposition to medical education for women, insisting upon the maintenance, unchanged, of the prohibitions against them. Later, when he was President of the British Medical Association, a vote excluding women from membership was carried, and he was to threaten that royal patronage would be withdrawn from an international medical congress if women physicians were admitted--and women were accordingly excluded. He was convinced that "female practitioners were not wanted in this country . . . that [they] would be injurious to medicine as a scientific profession and that, in the nature of things, the constitution of the female mind and frame is, with rare exceptions, quite unsuited to the exigencies of medical and surgical practice."[11] He was not quite so strongly opposed to women practicing midwifery but public feeling on this question was, in his view, "simply that this branch of practice in all ranks has gradually passed into male hands, and now every ploughman's wife expects to be attended by a male obstetrician."[12] Miss Jex-Blake reported that "Mrs. A. [wife of one of the professors], tells me Christison actually threatened to resign if women are admitted! --and to the Medical Faculty this is a formidable threat."[13] And, as she pointed out, it was Christison who

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[8] Dr. Robert Christison Became a leader against the admission of women students.

[9] Quoted in Margaret Todd, *Life of Sophia Jex-Blake* (London, 1918), p. 237.

[10] Sophia Jex-Blake, *Medical Women: A Thesis and a History* (Edinburgh, rev. ed., 1886), p. 72.

> has, ever since I came to Edinburgh, been the only professor and the only medical man who has had a seat on the University Court, and also the only person who has all along been a member of every body, without exception, by whom our interests have had to be decided, viz., Medical Faculty, Senatus University Court, University Council and Infirmary Board.[14]

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[11] *Life of Sir Robert Christison*, ed. by his son, Vol. II, pp. 49-50.

[12] *Ibid*., pp. 48-49.

[13] Quoted in Todd, *op*. *cit*., p. 242.

[14] Jex-Blake, *op*. *cit*., p. 85.

Teachers friendly to Miss Jex-Blake suggested that she prove her competence as a student before forcing the issue of admission to medical classes. So she arranged to attend Balfour's class in botany and Allman's class in natural history. The Medical Faculty and the Senatus approved this step. But opposition developed on the part of some professors and some students. In April, 1869, the University Court[15] passed this resolution:

> The Court, considering the difficulties at present standing in the way of carrying out the resolution of the Senatus, *as a temporary arrangement in the interest of one lady*, and not being prepared to adjudicate finally on the question whether women should be educated in the medical classes of the University, sustains the appeals and recalls the resolution of the Senatus.[16] [Ital. added].

Following newspaper publication of this action, four women applied for admission to the University. Miss Jex-Blake made a point of the aforesaid resolution when in June she wrote to the Rector, who was also President of the University Court. She asked if the veto would be lifted in view of the fact that there were now five applicants. If so, would "women be allowed to matriculate in the usual way, and undergo the ordinary examination with a view to obtain medical degrees in due course?"[17] She wrote to the Senatus, asking its recommendation for women students to matriculate. She wrote to the Dean of the Medical Faculty, guaranteeing payment of fees by the women. On July 1, 1869, the Medical Faculty recommended to the Senatus the following resolution:

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[15] Its meetings were always held in strict privacy, which often aroused protests from the public and from members of the General University Council. Jex-Blake, *op. cit.*, p. 75.

[16] Todd, *op. cit.*, p. 246.

[17] Jex-Blake, *op. cit.*, p. 76.

> (1) That the ladies be allowed to matriculate as medical students, and to pass the usual preliminary examination for registration; (2) that the ladies be allowed to attend medical classes, and to receive certificates of attendance qualifying for examination, provided the classes are confined entirely to ladies; (3) that the medical professors be allowed to have classes for ladies, but no professor shall be compelled to give such course of lectures; (4) that, in conformity with the request of Miss Jex-Blake's letter to the Dean, ladies be permitted to arrange with the Medical Faculty, or with the individual professors, as to minimum fee for the classes.

On July 2nd, the Senatus read, agreed, and ordered transmissions of this resolution to the University Court. The latter met on July 23rd and acted affirmatively by passing this resolution:

> The [University] Court entertain an opinion favorable to the resolutions of the Medical Faculty in regard to the matriculation of ladies as medical students, and direct these resolutions to be laid before the General Council of the University for their consideration at the next meeting.

The General Council of the University met and approved the foregoing resolution on October 29, 1869 and the Chancellor ratified it on November 12, 1869. On that date also, the following regulations were issued officially and inserted in the Calendar of the University where they re-appeared annually for the next several years.

> (1) Women shall be admitted to the study of medicine in the University.
> (2) The instruction of women for the profession of medicine shall be conducted in separate classes, confined entirely to women.
> (3) The Professors of the Faculty of Medicine shall, for this purpose, be permitted to have separate classes for women.
> (4) Women not intending to study medicine professionally may be admitted to such of these classes, or to such part of the courses of instruction given in such classes as the University
> (5) All women attending such classes shall be subject to all the regulations, now or at any future time in force in the University, as to the matriculation of students, their attendance on classes, examinations or otherwise.
> (6) The above Regulations shall take effect as from the commencement of session 1869-70.[18]

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[18] Ibid., p. 76-78.

The better part of a year and a great deal of effort on the part of Miss Jex-Blake and the other four candidates had gone into the campaign for admission. There was considerable public interest as well as University interest. The women candidates won a good friend in Alexander Russel (1814-1876),[19] editor of the Scotsman, a daily newspaper which did much to create an opinion favorable to the five applicants. In addition to Miss Jex-Blake, there were Miss Mary Edith Pechey, Mrs. Isabel Thorne, Miss Matilda Chaplin, and Mrs. Helen Evans.[20] They were admitted provisionally in October, 1869 to the preliminary examination in arts, which was required of all medical students. They did well; one newspaper emphasized this fact:

> The results in general are [that] . . . four of the five were decidedly among the very first in all or most of the subjects they went in for. . . . The Medical Faculty have decided what intellectual qualifications are desirable or necessary [for] . . . admission to the study of medicine. Out of a crowd of 152 candidates . . . among the seven foremost are four women.[21]

Consequently, and in accordance with the regulations, they received their certificates from the Dean of the Medical Faculty, paid the usual fee, inscribed their names in the University album,[22] and received the usual matriculation tickets bearing their names and declaring them to be Cives Academiae Edinensis. They were also registered as students of medicine by the Registrar of the Branch Council for Scotland in the Government Register kept by order of the General Council of Medical Education and Registration of the United Kingdom. Registration was obligatory. In referring to this victory in her book, Medical Women: A Thesis and a History, Miss Jex-Blake wrote "the deed-of-life was done." Elizabeth Blackwell sent congratulations from London on "the grandest success that women have yet achieved in England."

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[19] ". . . The brightest and ablest of all editors of his time, . . . and more truly representing the best thought of Scotland and its capital than any or all of the other papers," was Alexander Nicholson's comment when he edited Adam Black's Memoirs (Edinburgh, 1885), p. 169. Cf. Alexander Russel (Edinburgh, 1876). Also, H.G. Graham in Fraser's Magazine, Sept., 1880, pp. 301-317. He was incorrectly identified as the editor of North Briton by Enid Moberly Bell, Storming the Citadel (London, 1953), p. 71. Louisa Garrett Anderson, Elizabeth Garrett Anderson (London, 1939), p. 209, is mistaken when she states that William Law was the editor of the Scotsman.

[20] She later married Alexander Russel, editor of the Scotsman.

[21] Edinburgh Daily Review, Oct. 30, 1869, Henry Kingsley, editor; quoted in Jex-Blake, op. cit., Notes, p. 58.

Professors had double work, duplicating their lectures to the men and to women students at different hours, but both groups had the same study assignments and took identical examinations. The results of the examinations were generally surprising. When the physiology class prize lists were announced, 25 of the 127 male students were mentioned. In the chemistry class, 31 of the 226 men were mentioned in the honor class. Four of the five women won honors in both classes. Edith Pechey led the chemistry class of her year, which entitled her to a Hope Scholarship.

The Hope Scholarships had been created around the turn of the century and were named for their donor who had been a member of the faculty. He had earned the sum (about £1000) to establish them by giving a series of lectures in chemistry to audiences of women. The scholarships provided for free admission to the laboratory. Edith Pechey had earned a Hope Scholarship, but it was denied her. In explanation

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[22] Their signatures committed them to promise obedience to college discipline.

Professor Crum Brown pointed out that she had studied at an hour different from that of the larger class, and that she was not a member of the regular class; therefore not entitled to the prize. This was recognized as an explanation of convenience because Professor Brown felt he had to mollify hostile faculty associates as well as some students. But his compromise on the scholarship matter did not save him from trouble; it made more for him.[23] If, as he said, the women were not in a regular class, how could he give them the required certificates of attendance? This question he sought to resolve by offering them certificates of attendance in a "ladies' class at the University."

The women rejected the proffered substitutes and appealed to the Senatus for regular certification. Simultaneously, Edith Pechey appealed for a Hope Scholarship. Both appeals were attempts to have Professor Brown's decisions overruled. The judgments of the Senatus were contradictory: certification for attendance in Brown's chemistry class was granted, while Miss Pechey's appeal for the Hope Scholarship was denied on the ground that she had not been a class member. There is reason to suspect that perhaps the women students, particularly Miss Jex-Blake and Miss Pechey, were not averse to enjoying the confusion they caused among the officials.

Separate classes had apparently not provided an amicable solution to the problem raised by the admission of five women students. A motion to allow them to attend ordinary classes was lost 47 to 58 in a vote by the University Council. Attacks on the motion by some of the opposing faculty members, notably Laycock and Christison, drew a sharp rebuke from The Times:

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[23] Jex-Blake, op. cit., Notes, pp. 58-61 contain quotations from the following newspapers and journals, all expressing disagreement with this decision: Manchester Examiner and Times, April 6, 1870; Edinburgh Daily Review, April 1, 1870; Spectator, April 9, 1870; Scotsman, April 15, 1870. See also The British Medical Journal, April 16, 1870, pp. 393-394.

> We cannot sufficiently express the indignation with which we read such language, and we must say that it is the strongest argument against the admission of young ladies to the Edinburgh medical classes, that they would attend the lectures of Professors capable of talking in this strain.[24]

The chief medical paper, the Lancet, singled out Laycock:

> Until last week we were not aware that anyone in the profession, or out of it, held that the mere fact of ladies wishing to be educated in common with men, in order that they might make sure of receiving the highest and most thorough scientific training, justified those who held contrary opinions in loading them with abuse and vulgar insult. It has been reserved for Dr. Laycock, professor in the famous University of Edinburgh, to set an example which we trust, even the least courteous or gentlemanly of first-year's students will hesitate to follow. . . . [But] if used [by such a student] we should simply have shrugged our shoulders and concluded that the delinquent would be at once expelled with ignominy from his school. Unfortunately there are no such punishments for highly-placed men like Dr. Laycock, but at the least we can express the deep indignation and disgust which we are certain every gentleman in the profession must feel at the outrage of which he has been guilty.[25]

The Spectator used irony, saying:

> The female students almost deserve this rebuff, for making the concessions they have done to English prudery, concessions not made either in France, Austria, or the United States. The only safe ground for them to stand on is that science is of no sex, and cannot be indelicate unless made so of malice prepense, and that by the very conditions of the profession the modesty of ignorance must be replaced by the modesty of pure intent.[26]

The question of a mixed class came up again when Dr. Alleyne

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[24] The Times, April 25, 1870, p. 8.

[25] 1870, Vol. I, p. 627.

[26] 1870, Vol. XLIII, p. 514.

Nicholson, the extra-mural[27] teacher of natural history, offered himself as its teacher provided his men students did not object. In a letter to Miss Jex-Blake he explained why his offer had to be conditional:

> I have not yet succeeded in obtaining a positive assurance as to the legality of my admitting you to my ordinary class, though I no longer entertain any doubt as to my perfect freedom in the matter, so far as the University is concerned. I have, however, consulted several of my colleagues, and they are tolerably unanimous in advising me to submit the question to my class. . . . They advise me to give my opening lecture separately to my ordinary class at 1 o'clock. . . . At the conclusion of the hour I should explain to the students how matters stand, and . . . ask their permission to make over to you a bench in the general class. . . . I am fully aware that this will not be nearly so satisfactory to you as unconditional permission on my part; and I must beg you to believe that it is in many respects far from being so satisfactory to my own feelings in the matter. . . . If I were thoroughly independent I can assure you that I should not be deterred from doing what I thought right . . . by fear of consequences. As things stand, however, I do not feel justified in running the risk of losing my ordinary class in whole or in part . . . as I am assured I would do if I were to attempt . . . this innovation wholly without warning. If I _knew_ my class . . . or had two or three days acquaintance with them, . . . I should have . . . little to apprehend as to their behavior on any such question as this. You will remember . . . that I am dealing with an unknown quantity in making up my mind as to the course I shall adopt; and that I am wholly without adequate data to guide me in my determination. . . . My

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[27] The Edinburgh Extra-Mural classes were medical classes conducted by fully qualified and authorized lecturers other than the University professors. They prepared students primarily for the examinations of the Royal College of Physicians and Surgeons, but their certificates were, as a matter of fact, accepted by many examining bodies. . . . In 1842 the Town Council (the recognized patrons of the University) ordained that four Extra-Mural classes should be allowed to count for graduation, --the classes to be chosen by each student at his discretion. The Medical Faculty of the University refused to consent to this except on the condition that any student taking such classes should have a year added to his curriculum. The matter was referred to the Court of Law when the Town Council refused the suggestion and the Senatus supported the Medical Faculty. . . . After several appeals reaching up to the House of Lords . . . the regulations came into operation in 1855 and have remained in force ever since. Robert Christison, _Graduation Under the Medical and Scottish University Acts_ (Edinburgh, 1861), pp. 72-75.

> present opinion is that whilst I have every wish to admit you to my general class, it will be safest for me to submit the question to my class and to abide by a decision of the majority.[28]

The entire class agreed unanimously. And so the first mixed class was organized, and it continued through the summer without the slightest disturbance.

Dr. Nicholson was accused in the medical press of changing his lectures. He wrote its editor:

> The course of lectures on Zoology which I am now delivering to a mixed class is identically the same as the course which I delivered last winter to my ordinary class of male students. I have not hitherto emasculated my lectures in any way whatever, nor have I the smallest intention of so doing. In so acting, I am guided by the firm conviction that little stress is to be laid on the purity and modesty of those who find themselves able to extract food for improper feelings from such a purely scientific subject as Zoology, however freely handled. 'To the pure all things are pure.'[29]

Henry Kingsley, editor of the newspaper that reprinted the foregoing correspondence, added his own comment:

> In the moral courage and manly purity of the above letter we find fresh cause to congratulate the ladies on the teacher they have secured, on a subject which might easily have been made offensive by a man of prurient mind. As teachers of truly scientific spirit become more common, we shall, doubtless, hear less and less of the difficulties of giving instruction to classes composed of medical students of both sexes.[30]

In the summer of 1870 there was much interest in the question as to whether or not the Nicholson example of teaching a mixed class would be followed during the ensuing winter. Professor Turner not only refused to teach his subject, anatomy, to a mixed class, but refused to teach the women students in a separate class. Nor would he let his assistant teach them. Dr. Handyside, the only extra-mural teacher of anatomy, stepped in and when class work was resumed in October, taught a mixed class in anatomy. There was no trouble of any sort. Dr. Handyside even remarked that the all-around results were good. Everybody seemed to work harder since the mixed class had been started.

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[28] Quoted in Todd, op. cit., pp. 276-277.

[29] Quoted in Jex-Blake, op. cit., p. 86, from the Edinburgh Daily Review, June 14, 1870.

[30] Ibid., p. 86.

But every step forward that the women students took was merely the solution of an immediate problem. When, in November, they asked for permission to study in the wards of the Royal Infirmary, they were curtly refused. They again addressed the hospital board and pointed out the justice of their plea for admission. They had the valuable help of Dr. Handyside and Dr. Heron Watson, who also wrote the hospital board noting that great injustice would be done if the women were excluded from study in the wards. In their plea the doctors included the following statement:

> We, the undersigned physicians and surgeons of the Royal Infirmary, desire to signify our willingness to allow female students of medicine to attend the practice of our wards, and to express our opinion that such attendance would in no way interfere with the full discharge of our duties towards our patients and other students.
>
> J. Hughes Bennett
> George W. Balfour
> Patrick Heron Watson[31]

Miss Jex-Blake wrote again to the hospital board to make sure that its members would understand that the women students did not seek to force their way into places where they were not wanted, but asked to be admitted only where the teachers were willing to have them.

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[31] Quoted in Todd, op. cit., p. 289.

> To prevent any possible misconception, I beg leave, in the name of my fellow-students and myself, to state distinctly that, while urgently requesting your honourable Board to issue to us the ordinary students' tickets for the Infirmary (as they alone will 'qualify' for graduation), we have in the event of their being granted, no intention whatever of attending in the wards, of those physicians and surgeons who object to our presence there, both as a matter of courtesy, and because we shall be already provided with sufficient means of instruction, in attending the wards of those gentlemen who have expressed their perfect willingness to receive us.[32]

The arguments of the women students and the intercession of medical teachers desirous of helping them carried considerable weight. But a new and disturbing factor appeared. The male members of the class began to make trouble for the women students, deriding them, making crude remarks in public, and being generally insulting. They presented a petition bearing 500 signatures, opposing the admission of the women students to the infirmary. The position of the petitioners was upheld at a meeting of the hospital board. This was taken by some students to mean that they were free to drive the women from the classrooms. One of the professors told students that "it was really much to their credit that the students had not pelted the ladies away from the classes."[33] When Miss Jex-Blake heard of that remark she predicted that "now we shall be pelted."

On November 18, 1870, the date of the anatomy examination, the women's group went together because they feared to go separately. A riot ensued. In her book, Miss Jex-Blake described it as the riot at Surgeons' Hall.

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[32] Ibid., pp. 289-290.

[33] Jex-Blake, op. cit., p. 91.

> As soon as we came in sight of the gates, [wrote Miss Jex-Blake] we found a dense mob filling up the roadway in front of them, comprising some dozen of the lowest class of our fellow-students at Surgeons' Hall, with many more of the same class from the University, a certain number of street rowdies, and some hundreds of gaping spectators, who took no particular part in the matter. Not a single policeman was visible, though the crowd was sufficient to stop all traffic for about an hour. We walked straight up to the gates, which remained open until we came within a yard of them, when they were slammed in our faces by a number of young men who stood within, smoking and passing about bottles of whisky, while they abused us in the foulest possible language, which I am thankful to say I have never heard equalled before or since. We waited quietly on the step to see if the rowdies were to have it all their own way, and in a minute we saw another fellow-student of ours, Mr. Sanderson, rush down from Surgeons' Hall and wrench open the gate, in spite of the howls and efforts of our half-tipsy opponents. We were quick to seize the chance offered, and in a very few seconds we had all passed through the gate, and entered the anatomical class-room, where the usual examination was conducted in spite of the yells and howls resounding outside, and the forcible intrusion of a luckless sheep, that was pushed in by the rioters. 'Let it remain,' said Dr. Handyside, 'it has more sense than those who sent it here.' At the close of the class the lecturer offered to let us out by a back door, but I glanced round the ranks of our fellow-students and remarked that I thought there were enough gentlemen here to prevent any harm to us. I had judged rightly. In a moment a couple of dozen students came down from the benches, headed by Mr. Sanderson, Mr. Hogan, Mr. Macleod, and Mr. Lyon, formed themselves into a regular bodyguard in front, behind, and on each side, and encompassed by them, we passed through the still howling crowd at the gate, and reached home with no other injuries than those inflicted on our dresses by the mud hurled at us by our chivalrous foes.[34]

The disturbance was an organized, not a spontaneous, outburst. A student sent a letter to Edith Pechey warning her that a second attempt to annoy the women would be made in a few days. He sought to place the blame, saying:

> May I venture to hint my belief that the real cause of the riots is the way some of the professors run you down in their lectures. They never lose a chance of stirring up hatred against you. For all I know they may have more knowledge of the riotous

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[34] Jex-Blake, op. cit., pp. 92-93.

> conspiracy than most people fance. However, as I tell you, you and your friends need not fear, as far as Monday is concerned. You will be taken good care of.
>
> Yours faithfully,[35]
> Robert Wilson

A letter in a newspaper expressed the widespread indignation among some of the public. It said in part:

> Are only the hot-headed youths to be blamed who hustle and hoot at ladies in the public streets, and by physical force close the College gates before them? Or are we to trace their outrageous conduct to the influence of the class-room where their respected professor meanly takes advantage of his position as their teacher to elicit their mirth and applause, to arouse their jealousy and opposition, by directing unmanly innuendoes at the lady students? . . . The current report is, that these disgraceful outrages were originally and principally carried out by students of the College of Surgeons. This is contrary to fact. Certainly the majority of them conducted themselves in a most contemptible manner, roused, not by a word or look from the ladies, but by the possibility of being outstripped by them in the race for honours; and therefore did they elect to end the rivalry by an appeal to brute force. The truth, however, is that the rioters were called together by a missive, circulated by the students in the Chemistry Class of the University on Friday morning, on the back of which was written, 'To be opened by those who signed the petition to the managers against the admission of female students.' This missive called upon the petitioners to assemble at the College of Surgeons before 4 o'clock, for the purposes which they so thoroughly carried out. . . . What now is to be done with this vexed question of female education? Will it be settled by continuing those brutal exhibitions, or by asking the ladies to withdraw? Neither course is likely to prove successful. Another and more honourable course has been suggested by some of the original memorialists, who--considering their honour dearer to them than their sympathies--declare that the blot can only be wiped away by their joining to aid the ladies who have been so thwarted and so abused in obtaining the object for which they have wrought so hard and endured so bravely.[36]

Hoping to avoid a repetition of the recent disorder, Miss Jex-Blake sought advice from the Secretary of the Senatus. He said he would ask

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[35] Quoted in Todd, op. cit., p. 294.

[36] Scotsman, November 22, 1870. Quoted in Jex-Blake, op. cit., Notes, pp. 66-67.

Professor Turner to hold his class until 5 o'clock, thus giving the five women students the opportunity to leave early for home. But the class was dismissed at 4.45 P.M.

In the following few weeks a barrage of insulting articles appeared in some newspapers[37] that supported the opponents of medical education for women. These were reprinted and distributed among contributors of the Royal Infirmary in the hope of influencing the next vote against the admission of females. But this maneauver had the opposite effect. Several letters appeared in the press protesting vehemently against the vile circular and, in at least one instance, completely winning over a former opponent:

> I have scarcely ever met anything so bad, so gratuitously nasty. I have been no supporter of the female doctor movement, chiefly because I doubt of its ever coming to much; but if you can tell me that as a subscriber to the Royal Infirmary, or in any other capacity, I can do anything to neutralize an opposition . . . I will take some trouble to do so.[38]

On January 2, 1871, at a Royal Infirmary contributors' meeting, another effort was made to elect a slate of six men known to be in favor of admitting the women. But the complete slate was defeated by a vote of 94 to 88.

At another meeting two weeks later, on January 16th, a motion to admit the women was lost by a smaller majority. The following petition signed by 956 women of Edinburgh, was also presented:

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[37] Medical Times and Gazette, 1870, pp. 543-544; 594; 627-628; 645-646; 687-688; Saturday Review, Nov. 26, 1870.

[38] Scotsman, Dec. 23, 1870. Quoted in Jex-Blake, op. cit., p. 97.

> We, the undersigned Women of Edinburgh, not being able to attend the meeting at which the admission of female medical students to the Infirmary will be discussed, desire hereby to express our great interest in the issue involved, and our earnest hope that full facilities for hospital study will be afforded by the managers to all women who desire to enter the medical profession.[39]

At this same meeting Mrs. Elizabeth Pease Nichol, one of Edinburgh's most venerated and public-spirited women, appeared in behalf of the women. Mrs. Nichol was a Quaker and, when still a young woman, had taken part in many movements to defend human dignity, however it was assaulted; for instance, she "abhorred slavery in every shape and oppression under every form."[40] She asserted that 1300 women had commissioned her to speak at the meeting. She was, she said, less concerned with abuse which the five candidates might suffer than with learning what kind of men would be the sole medical attendants of women. She wanted to know:

> If the students studying at present in the infirmary cannot contemplate with equanimity the presence of ladies as fellow-students, how is it possible that they can possess either the scientific spirit, or the personal purity of mind, which alone would justify their presence in the female wards during the most delicate operations on, and examinations of, female patients?[41]

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[39] Ibid., p. 98. For the first time, female contributors used their right to vote on this occasion. Sixteen voted in favor of admitting women students. Doctors voted twenty-five to five against admission.

[40] Anna Stoddart, Elizabeth Pease Nichol (London, 1899) pp. 51-52. She organized the Women's Abolition Society and became its first secretary. The first act of the society was to reply to an appeal from the Ladies' Anti-Slavery Society in the United States. Its appearance led to the formation of many other Women's Societies. In 1873 Mrs. Nichol was elected to the first school board for Edinburgh. p. 274.

[41] Quoted in Jex-Blake, op. cit., p. 99.

Professor Muirhead appealed to the managers to keep the five women out of the wards in deference to the delicate feelings of the male students. This drew laughter from the male students who filled the gallery. Dr. James Coxe remarked that the nurses in the wards were present during medical visits, yet they had not exerted a restraining influence on either freedom of speech or action.

Miss Jex-Blake, spokesman for the women students, perhaps saw herself also in the role of propagandist. She had become a contributor to the Infirmary, and so had won for herself the right to speak at this meeting. She seized this opportunity, not altogether to her advantage, for at one point, carried away by her feelings, she accused Dr. Christison's assistant of using foul language while intoxicated, at the Surgeons' Hall riot. Dr. Christison protested. He demanded that the word "intoxicated" be withdrawn, whereupon Miss Jex-Blake suggested that if he preferred her to say that his assistant had used foul language when sober, she would withdraw the word "intoxicated." The retort drew laughter, but it did not win support for the petition of the women students. Clinical instruction for them was lost for another year.

Ten days later, on January 26, a meeting was called by the Lord Provost of Edinburgh and others for the purpose of procuring for the women students the privileges of instruction at the Infirmary. In a short time, more than three hundred influential persons, including more than a dozen professors, formed a strong committee. On April 19, 1871, at their first public meeting, this committee adopted the name, "Committee for Securing Complete Medical Education to Women in Edinburgh." It undertook to raise funds, not only to pay future costs of the contemplated program of medical study, but also to pay the legal costs resulting from the libel suit brought against Miss Jex-Blake by Mr. Craig, Dr. Christison's assistant.

The libel suit against Miss Jex-Blake came to trial in May, 1871. It lasted two days, attracted a huge throng, and resulted in a decision for the plaintiff. The damages allowed, however, were negligible; the sum was one farthing. The plaintiff had asked for "a reasonable sum." In his charge to the jury on the question of evidence, the presiding judge explained that he had "not allowed evidence to prove the plaintiff had been a leader in the riot . . . because in the absence of an issue of justification, such evidence was inadmissible."[42] He added that "under the issue as framed, the jury must assume the falsehood of the charges."[43] Although the awarded damages were slight, the legal costs were substantial -- ₤915, 11s. 1d. -- and Miss Jex-Blake was liable for payment of the entire amount, plus the damages. She contended that the jury did not understand that she would have to bear the costs of the trial, and her belief was given some substance by unsigned letters appearing in the Scotsman. This one was signed "A Juryman:"

> I am extremely disappointed . . . that the Court have found the pursuer entitled to his expenses. . . . The jury were of the opinion that [he] should have submitted some evidence . . . of his non-participation in the disgraceful riot, of which Miss Jex-Blake had so much reason to complain, to have entitled him to a verdict; and they would have made some representation to the presiding Judge on the subject had it been possible to do so. . . . With the view of ascertaining the mind of the rest of us [the foreman] asked us . . . to write down . . . whether we were for 'libel' or 'no libel.' The result was an equal division. . . . This was done a second time with the same result. In this predicament, and after considerable discussion as to the amount damages . . . [no] larger sum than one shilling was even

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[42] Quoted in Todd, op. cit., p. 315.

[43] Jex-Blake, op. cit., p. 108, quoting the Scotsman of June 1, 1871.

> mentioned, even by those who thought there had been a libel. . . . It was proposed to ask the Court whether the foreman had a casting-vote. . . . The Clerk told us he had not. We then asked the Clerk whether we were entitled to find for the pursuer without giving any damages, and he told us we were not. Shortly after, we again sent for the Clerk, and enquired whether a farthing of damages would carry expenses against the defender. He stood a while, and said there was some new Act which provided that a farthing of damages would not carry expenses. He went out to consult the Judge; but, having got this information from him, we agreed upon our verdict, and rung the bell for the macer at once. I had no doubt of the soundness of the Clerk's opinion, and in that belief I concurred in the verdict. . . . I certainly would not have done so, had I for a moment anticipated the result which has happened. I think the case a very hard one for the defender, more especially when, but for the opinion given by the Clerk, the verdict might have been in her favor. I think . . . that the public should be informed of the circumstances under which the verdict was given, for it seems a very illogical result to affirm that the pursuer had suffered no damage by the alleged slander, or, at least damage of only one farthing, and at the same time to compel the defender to pay a large sum for expenses, especially when the origin of the whole matter was a riot in which the ladies were so badly used.[44]

The following anonymous reply came from a lawyer who offered legal advice:

> I am not surprised at the letter . . . of 'A Juryman'. . . . The Clerk of the Court was *in substance correct* . . . that by a recent Act of Parliament the pursuer in an action of damages is not entitled to expenses if the verdict is for less than £5, but he was wrong in not at the same time informing them of the discretion still left to the Court. . . . But the thing that strikes me most forcibly in the juryman's statement is how it came that a Clerk of Court was allowed to speak to the jury at all on such a matter. The public are indebted to the juryman for making this known, because it at once explains what was intended by the verdict. I do not think in the circumstances the verdict is worth anything, and I would strongly advise Miss Jex-Blake to appeal the case, and have the verdict set aside on the ground either of the Clerk's interference, or that the decision of the Judge is wrong. Certainly the decision on the matter of expenses is very unsatisfactory to the legal profession, especially as it was given without the usual statement of the grounds of judgment.[45]

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[44] Todd, *op. cit.*, pp. 316-317, quoting the *Scotsman*, no date.

[45] *Ibid.*, p. 317, quoting the *Scotsman*, no date.

Another lawyer who signed himself "Ex-Juridicus" sent a letter of protest to the Aberdeen Journal about the "anomalous state of the libel laws," and suggested that amendments be made along "principles somewhat consonant with common sense and justice."[46]

The indignation of the women students and others found expression in the columns of the Scotsman, and those favoring the women students' side of the altercation were not loath to take advantage of editorial generosity. Edith Pechey wrote:

> The medical students of Edinburgh have received a hint by which some of them seem well inclined to profit. They have been told pretty plainly that it is possible that there should be a riot got up for the express purpose of insulting women, for one of the very women to be accused of libel when she complains of such conduct, and then for the insulters to escape scot-free, and the complainer to be mulcted in expenses. In fact the moral seems to be that unless a woman is willing to be saddled with costs to the amount of several hundred pounds, she had better resolve to submit to every kind of insult, without even allowing herself to mention the facts. Some . . . students . . . have taken the hint [for] . . . a knot of young men find pleasure in following a woman [student] through the streets, take advantage of her being alone to shout after her all the foulest epithets in their voluminous vocabulary of abuse. . . . If the wish of these students is to bar our progress and frighten us from the prosecution of the work we have taken in hand, I venture to say never was a greater mistake made. Each fresh insult is an additional incentive to finish the work begun. I began the study of medicine merely from personal motives; now I am also impelled by the desire to remove women from the care of such young ruffians. I am quite aware that respectable students will say . . . truly . . that these are the dregs of the profession, and that they will never take a high place as respectable practitioners. Such is doubtless the case; but what then? Simply that, instead of having the medical charge of ladies with rich husbands and fathers, to whom, from self-interest, they would be respectful, they will have the treatment of unprotected servants and shop-girls. I should be very sorry to see any poor girl under the care (!) of such men as those, for instance, who the other night followed

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[46] Jex-Blake, op. cit., Notes, pp. 71-72, quoting the Aberdeen Journal, no date.

> me through the street, using medical terms to make the disgusting purport of their language more intelligible to me. When a man can put his scientific knowledge to such degraded use, it seems to me he cannot sink much lower. How far the recent decisions are calculated to arrest or discourage such conduct, I leave the public to judge.[47]

The Lancet, a physicians' journal, ascribed some responsibility for the events leading to the libel trial to the acquiescence of the leaders of the profession, hinting that the rioting students took their cue from their elders.

> Common candour must compel any unprejudiced person to admit that the fight has been pursued by the orthodox party per fas et nefas, and that the ill-advised conduct of grave and learned seniors in the profession has offered only too plausible an excuse to the heated blood of younger partisans to indulge in coarse excesses.[48]

But the riot at Surgeons' Hall, the disappointment of the libel trial, and all the indignities heaped upon the defendant were not without some benefit to the women students. Their cause elicited public interest and resulted in much discussion. An Edinburgh wag even wrote several verses entitled "The Song of the Neutral."[49]

The Committee for Securing Complete Medical Education to Women in Edinburgh had been organized in April, 1871. In July it published newspaper announcements appealing for the financial help needed to pay the costs of the libel suit against Miss Jex-Blake. In August the Committee announced that the needed amount had not only been met, but had been oversubscribed by ₤112.[50]

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[47] Todd, op. cit., pp. 318-319, quoting the Scotsman, July 14, 1871.

[48] July 12, 1871.

[49] Jex-Blake, op. cit., Notes, p. 73, quoting the Scotsman, Jan. 19, 1872.

Three of the five women students appeared on the prize list in the botany class held in the summer of 1871, clearly demonstrating their capacity to learn. It became apparent that physicians did not want feminine competition and that they based their case on the regulation that Surgeons' Hall lecturers should not teach women medical students, not even in separate classes, "it being understood, however, that the prohibition should not extend to instructions [in midwifery] by Dr. Keiller or others, of women who were not registered students of medicine.[51]

But the effort to enter medical classes was not altogether nullified. That was true only in Surgeons' Hall. By special arrangements and payment of extra fees, medical studies could be pursued under the guidance of teachers who were willing to teach women students. An impasse was reached, nevertheless, when required courses were taught by professors who refused to teach women. Professor Christison was in this category.

The Senatus was appealed to again. Its decision, by a majority of one, was to do nothing in the matter--to take no action. At this time, in the autumn of 1871, the five pioneer women candidates for a medical degree, received unexpected support. Three more women applied for admission.

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[50] This sum was added to an unsolicited contribution of ₤200 from a lady whose interest was excited by indignation. She proposed that it be used for a future hospital for women, which was in fact begun in 1886 by Sophia Jex-Blake in Edinburgh and became the first hospital opened in Scotland under the charge of medical women.

[51] Jex-Blake, op. cit., p. 113, quoting the Scotsman, July 19, 1871.

The new candidates were shepherded by Miss Jex-Blake who, by now, was not only a candidate for a medical degree but also the spokesman and representative of the women students. The clerk of the University notified her that the Medical Faculty had instructed its dean not to permit the newcomers to take the preliminary examination in arts. Would she, therefore, "kindly communicate this fact to the ladies whose names you some time ago handed into me for this examination."[52] She immediately informed her legal advisors who, in turn, notified Balfour, Dean of the Medical Faculty, that the faculty's instructions to him were illegal and that he would be held responsible if he relied on them. The three women were, accordingly, allowed to take the preliminary examination.

Yet another snag developed. According to University regulations, the original five women applicants, having completed two years of study, were required to take their first professional examination, scheduled for October 24, 1871. In fact, Mr. John Wilson, Secretary to the University, wrote Miss Jex-Blake on October 13th that he had "instructed Mr. Gilbert [Clerk of the University] to receive the money [for the first professional examination] and give the customary acknowledgments, so that you may be all right with the Dean."[53] But a rumor persisted that it was doubtful that they would be permitted to take this examination. The rumor was confirmed when, ten days prior to the examination date, a letter to Miss Jex-Blake informed her that she and

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52 Todd, op. cit., p. 333.

53 Ibid., p. 332.

the other women students were not entitled to the tickets of admission which had been sent them on their payment of fees. The University clerk had erred, the women were told, in accepting the fees:

> University of Edinburgh
> October 14, 1871
>
> Madam,
>
> I am instructed by the Medical Faculty to inform you that your fees have been received in error by the Clerk of the University as a candidate for the first professional examination during the present month, but that the Faculty cannot receive you for such examination without the sanction of the Senatus Academicus.
>
> Your obedient servant,
> J. H. Balfour,
> Dean of the Medical Faculty.[54]

Obviously, it was clear that the dissenting University officials were ready to disobey the University regulations adopted in October, 1869, and subsequently published annually in each new issue of the University Calendar.[55]

At its meeting on October 21, 1871, the Senatus had before it two appeals; the first, to permit the five women to take professional examinations; the second, to permit matriculation tickets to be issued to the three new students who had just passed their preliminary examination in arts. These students had applied to the Clerk but were informed that Dr. Christison had persuaded the Principal to refuse matriculation tickets to any more women. The Senatus decided to grant both appeals because of the legal opinion rendered by the Lord Advocate and the Sheriff, at the request of the Committee for Securing Complete Medical Education to Women in Edinburgh. This opinion enumerated the rights and privileges of the women students, and the University's responsibilities toward them.

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[54] Ibid., p. 332.

[55] See p. 10, above.

When the University Council met a few days after the Senatus meeting, Dr. Alexander Wood offered a resolution which stated that "the University is bound in honour and justice to render it possible for those women who have already commenced their studies, to complete them."[56] A petition bearing nine thousand signatures of women from all over England, asking much the same thing, was presented to the Council. There was vehement opposition led by Professors Thomson and Christison. The question was laid over. A vote was taken on an amendment to refer the resolution to the Senatus and University Court. It was carried 107 to 97.

Again the Lancet spoke up for the women students:

> The Edinburgh School has come badly out of its imbroglio with the lady students. The motion of Dr. Alexander Wood . . . was negatived by a majority of ten. . . . The issue . . . was neither more nor less than this,--to keep faith with the female students whom the University had allowed to proceed two years in their medical curriculum. The Council was not asked to commit itself in the slightest degree to any opinion, favourable or unfavourable, to the admission of ladies to a medical career. It had only to concede, in common courtesy, not to say common fairness, the right which the best legal advice had clearly shown the female students to be entitled,--the right to carry on the studies they had been allowed to prosecute half-way towards graduation. Will it be believed? An amendment postponing the settlement of the difficulty till it had been duly considered by the authorities of the University, was put and carried; as if there was any more room for 'consideration' in the matter! Thus Edinburgh stands convicted of having acted unfairly towards . . . ladies whom she first accepted as pupils, and then stopped half-way in their career.[57]

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[56] Enid Moberly Bell, Storming the Citadel (London, 1953), p. 80.

[57] November 4, 1871.

The Daily Review went further, saying:

> There is no objection to women studying medicine and science in the University as long as the only result of their doing so is the pocketing of fees on the part of the professors. But when, by graduating and qualifying for the practice of their profession there is the possible result of the ladies pocketing fees themselves, which at present must go into the pocket of medical professors, then there is the greatest possible objection to their studying. Here we have a University professor unblushingly placing against the settlement of a great public question, the pecuniary interests of certain professional men. And yet these men would shake their heads and prate of the necessity of stamping out trades unionism amongst workmen.[58]

At a meeting on October 30, 1871, the Senatus received a letter from the Committee for Securing Complete Medical Education to Women in Edinburgh requesting that arrangements be made for further instruction and agreeing that

> in the event of special lecturers being appointed by the University to give qualifying instruction to women, the Committee are willing to guarantee the payment to them of any sum that may be fixed by the Senatus for their remuneration, in case the fees of the ladies are insufficient for that purpose; and that, if necessary, they are willing further to undertake to provide such rooms and accommodations as may be required for the delivery of said lectures, if it should be found absolutely impossible for the University to provide space for that purpose.[59]

The Senatus persisted in avoiding decisions, preferring, for the present, to do nothing. At a subsequent meeting, by a fourteen to thirteen vote, it rescinded prevailing regulations for the admission of women, but preserved the rights of those already studying. Two of the fourteen votes were cast by Dr. Christison and Sir Alexander Grant, Principal, both members of the University Court which was to receive this recommendation of the Senatus. The advantage shifted when the

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[58] December 23, 1871, quoted in Bell, op. cit., pp. 80-81.

[59] Jex-Blake, op. cit., p. 120.

University Court met. Eighteen of the thirty-five professors sent a protest. On January 3, 1872, the University Court went on record as follows:

> The Court find it inexpedient at present to rescind the said resolutions and regulations, and therefore decline to give effect to the decision of the Senatus. The Court must not be understood as indicating by this deliverance any opinion as to the claims of the University to confer on women degrees in the Faculty of Medicine.
>
> Commd. by direction of the University Court.
>
> J. Christison, W.S., Sec.[60]

And so the status quo was preserved for the time being.

The prize lists at the close of the 1871 winter session again carried the names of the women students. But good scholarship was insufficient to overcome persistent animus. The Presidents of the College of Physicians and of the College of Surgeons, respectively, would not appear at the ceremonies "if the lady students were to be present to receive their prizes on this occasion."[61] The contemplated ceremonies were abandoned but the prize lists were published in the newspapers. The attitude of the Presidents was at worst an annoyance, hardly an injury. The women students were more concerned with problems ahead.

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[60] Quoted in Todd, op. cit., p. 338, fn.

[61] Jex-Blake, op. cit., p. 106.

CHAPTER III

DEFEAT

The immediate problem was how to secure admission to the Royal Infirmary to get training in the wards. The question came up again in the course of electing six managers. The medical group, opposing the admission of women for study in the Royal Infirmary, wanted the incumbent managers reelected. Other qualified voters wanted to elect a slate of managers who favored the admission of women. The latter group won by a vote of 177 to 168. A resolution offered by Professor Masson was also carried. It provided that "henceforward, all registered students of medicine shall be admitted to the educational advantages of the Infirmary without distinction of sex, --all details of arrangements, however, being left to the discretion of the managers."[1]

The anti-admission group was not yet ready to give up. Another vote taken at the next Infirmary meeting showed that of all the contributors, twenty-eight firms, each firm casting one vote, thirty-one women, and seven doctors had voted in favor of admitting women students to the Infirmary. Voting against extending the privilege, were fourteen firms, two women, and thirty-seven doctors. The latter group caused a restraining order in the form of a writ to be served on the Lord Provost to forestall his declaration that the new managers had been elected, the alleged reason being that the votes of the firms that had made contributions were not qualified. The Scotsman's sharp comment demonstrated that this procedure was entirely without precedent.

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[1] Quoted in Todd, op. cit., p. 345.

> It mattered nothing that firms had voted ever since the Infirmary was founded; that contributors qualified only as members of firms had, as has now been ascertained, sat over and over again on the Board of Management, and on the Committee of Contributors. It was of equally slight importance that the firms whom it was now sought to disqualify had been among the most generous benefactors of the charity, and that, with the imminent prospect before them of great pecuniary necessity, it would probably be impossible, without their aid, to carry out even the plans for the new building. The firms had voted in favor of the ladies, and the firms must go, if at least the law would (as it probably will not) bear out the medical men in their reckless endeavour to expel them. They have recklessly hurled the chief hospital of Scotland on the spikes of a fierce controversy, and that not for any object or purpose connected with its own interests, but solely because in their resolute defence of their profession against the deseecration of female invasion, the Infirmary formed a convenient earthwork behind which to entrench themselves.[2]

The right of the women students to be admitted to the Royal Infirmary was finally established, but their opponents fought them every inch of the way. The contributors who favored the objective of the women students sought a legal ruling on the right of the managers-elect to take office and won, but at the cost of nearly six months' delay. The other side appealed, and six more months passed before the original ruling was upheld. The anti-admission group then insisted that another meeting of the contributors precede the installation of the managers-elect. When all obstacles had been removed, and the managers met to vote formally that women students should be admitted to the Infirmary, their terms of office had only two weeks left to run.

Two limitations, nevertheless, remained. In voting to admit the women, the managers restricted them to classes separate from the men and confined their privileges to those wards where they were made formally welcome by physicians or surgeons. In practice, that meant about eighty beds, less than one sixth of the total. But finally, the objective of admission to the Royal Infirmary was attained.

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[2] Jex-Blake, op. cit., pp. 126-127, quoting the Scotsman, January 29, 1872.

Some professors were exceedingly helpful. Dean Balfour gave the women students an hour three times a week. Dr. Peel Ritchie gave up teaching his class of men in order to teach the women when he was told that a renewal of their hospital privileges depended upon their finding a medical officer who would be willing to assume that responsibiltiy. He told Miss Jex-Blake quite frankly that he did not approve of women in medicine, but that his sense of fair play had been offended by the way in which the University had constantly discriminated against the women after they had been admitted. Dr. Heron Watson, a leading Edinburgh surgeon, could find time for them only on Sunday. He taught them every Sunday morning for two winter sessions and refused to accept any fees whatever. Some of the opposition group were adamant enough to attack Dr. Watson's generosity as a Sabbath violation, but to no avail. Instruction of women students at the Royal Infirmary became a firmly established practice.

The victory of restricted admission to the Infirmary did not mean clear sailing ahead. There was still the question as to whether or not the women students would be allowed to graduate. Miss Jex-Blake again addressed the University Court to suggest that

> as the main difficulty before your Honourable Courts seems to be that regarding graduation, with which we are not immediately concerned at this moment, we are quite willing to rest our claims to ultimate graduation on the facts as they stand up to the present date; and in case your Honourable Court will now make arrangements whereby we can continue our education, we will undertake not to draw any arguments in favour of our right to graduation from such arrangements, so that they may at least be made with-

out prejudice to the present legal position of the University.[3]

The secretary of the Court acknowledged Miss Jex-Blake's letter:

> I am desired to inform you that you appear to ask no more than was offered by the Court in their resolution of the 8th ultimo, in which it was stated that, while the Court were restrained by legal doubts as to the power of the University to grant degrees to women from considering 'the expediency of taking steps to obtain, in favour of female students, an alteration of an ordinance which might be held not to apply to women,' they were 'at the same time desirous to remove, so far as possible, any present obstacle in the way of a complete medical education being given to women; provided always that medical instruction to women be imparted in strictly separate classes.' On the assumption, therefore, that while you at present decline the offer made by the Court with reference to certificates of proficiency, you now ask merely that arrangements should be made for completing the medical education of yourself and the other ladies on behalf of whom you write, I am to state that the Court are ready to meet your views. If, therefore, the names of extra-academical teachers of the required medical subjects be submitted by yourself, or by the Senatus, the Court will be prepared to consider the respective fitness of the persons so named to be authorized to hold medical classes for women who have, in this or former sessions, been matriculated students of the University, and also the conditions and regulations under which such classes should be held. It is, however, to be distinctly understood that such arrangements are not to be founded on as implying any right in women to obtain medical degrees, or as conferring any such right upon the students referred to.[4]

Both letters appeared in the newspapers and brought Miss Jex-Blake many congratulatory messages. In her reply to the Court, she sought to win them to her point of view, suggesting that,

> though you at present give us no pledge respecting our ultimate graduation, it is your intention to consider the proposed extramural courses as 'qualifying' for graduation, and that you will take such measures as may be necessary to secure that they will be so accepted, if it is subsequently determined that the University has the power of granting degrees to women. [Also], that we shall be admitted in due course to the ordinary professional examinations, on presentation of the proper certificates of attendance on the said extra-mural classes.[5]

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[3] Ibid., p. 137.

[4] Ibid., pp. 137-138.

[5] Ibid., p. 138.

The Court promptly corrected Miss Jex-Blake. She was made to understand that the most the women students were offered was a certificate of proficiency, which of itself did not entitle them to a licence to practice medicine. By this time facts had to be clearly recognized; the Medical Faculty wanted the women out of the University; the Senatus lacked the liberal strength to act counter to the wishes of the Medical Faculty, and the University Court would not make the desired concessions.

After obtaining legal advice, Miss Jex-Blak made her decision. It led to the lawsuit in March, 1872, known as the "Action of Declarator brought by Ten Matriculated Lady Students against the Senatus of Edinburgh University."[6]

The suit came to trial in July, 1872. Arguments were reiterated that had been repeatedly used by both sides in the several years of their contentions. Attorneys for the women students made much of the fact that universities in countries on the European continent did not have disbarment clauses regarding women students.[7] They made it a special point to note that the University Court should have risen to its duty towards the women students because it was expressly empowered under the Universities (Scotland) Act of 1858 "to effect improvements in the internal arrangements of the University, after due communication with the Senatus Academicus, and with the sanction of the Chancellor, provided that all such proposed improvements shall be submitted to the University Council for their consideration."[8]

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[6] This action was instituted to secure a decision affirming the claim of the plaintiffs that the Senatus was bound to permit them to complete their medical education in accordance with the opinion stated by the Lord Advocate of Scotland. The case was argued by the attorneys only.

[7] Official documents in the women's possession showed that Bologna and Padua and other universities had admitted women. At Bologna alone there were seven women professors, three of these on the medical faculty.

The University regulations, adopted in November, 1869, became a matter of interpretation, both sides citing them. The attorneys for the Senatus argued:

> The defenders maintain that only an experiment was contemplated, and that only permission for partial instruction was given, with no view to graduation; the professors were permitted, but in no way bound, to teach the pursuers. They further maintain that if anything more was contemplated, the University Court went beyond its powers, and its regulations are incompetent and ultra vires. The Senatus had no intention to confer the right to graduation, and had no reason to think that the pursuers proposed to insist on it. The fact of matriculation is one of no moment; the fee demanded is merely for the support of the library. It was not until 1871 that the pursuers indicated that they considered themselves entitled to graduation. The Senatus could not compel professors to teach separate classes, nor to admit women to their ordinary lectures.[9]

On July 26, 1872, the Court found for the women students:

> The Lord Ordinary finds that according to the existing constitution and regulations of the said University of Edinburgh, the pursuers are entitled to be admitted to the study of medicine in the said University, and . . . are entitled to all the rights and privileges of lawful students . . . subject only to the conditions specified and contained in the said regulations of 12th November, 1869. [He] finds that . . . on completing the prescribed studies, and on compliance with all the existing regulations . . . preliminary to degrees, [they] are entitled to proceed to examination for degrees in the manner prescribed by the regulations of the University of Edinburgh. [He] finds that the defenders . . . are bound, on pursuers completing the prescribed studies, and complying with said regulations, to admit [them] to examinations as candidates for medical degrees, and on [their] being found qualified, to recommend them to the Chancellor of the University for having such degrees conferred upon them: and finds that . . . the Right Hon. John Inglis, as Chancellor . . . is bound, upon such recommendation being made by the Senatus Academicus, to confer medical degrees upon any or upon all of the pursuers who are found qualified therefor, and [so] recommended. . . .[10]

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[8] Action of Declarator (Edinburgh, 1872), p. 12.

[9] Ibid., pp. 17-18.

[10] Ibid., pp. 19-20.

This decision was a complete victory for Miss Jex-Blake and her associates. The Lord Ordinary noted that the November 12th regulations had been enacted in accordance with all the required statutory procedures.

The women had won a lawsuit, but little else, for the judge lacked the power, under the law, to give effect to what he had decided was right. He could not order the Senatus to do what only the University Court, ultimately, had the power to do, that is, make regulations admitting women to ordinary classes.

The considerable publicity following the verdict did the women students some good. Congratulations poured in and so did contributions.[11] But welcome as the response was, the problem of final examinations and ultimate awarding of degrees was still to be decided.

The favorable decision was appealed by the losing side. That took until June, 1873, and resulted in an overturn. The appeal brought a divided verdict; seven of the twelve judges upheld the appeal and found for the Senatus. The adverse judgment of the majority was based mainly on their opinion that the University Court, in 1869, had done an illegal thing in admitting women. On this ground the authorities were relieved of all responsibility toward them. The Lord Justice-Clerk denied the justice of this view and expressed himself on this point in forthright and unequivocal language.[12] All expenses, amounting to ₤848, 6s. 8d., were by this decision imposed on the women.

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[11] One came from a Scotsman residing in India who called on Miss Jex-Blake, saying "'the battle was being gallantly fought and he would send £1000 at once and more if needed, that the fight might not fail for want of money.' The money is worth a good deal [she went on], but the moral effect is almost more as the man is an absolute stranger and cares simply for the principle. . . . His name is Walter Thomson." Quoted in Todd, op. cit., p. 380.

On balance, the women students had not gained through their use of the legal machinery. In fact they had lost a good deal of money when the matter of paying costs was considered. Further recourse to the law, such as appealing the recent adverse ruling, did not seem to offer much promise. They decided to make their next appeal to the court of public opinion and to Parliament.

Sir David Wedderburn first spoke on the matter in Commons in August, 1872, during a debate on the Civil Service Estimates. He moved that appropriations for Scottish Universities be reduced by the amount of the salaries of the medical professors, because of what he called the inexcusable conduct of the Medical Faculty of the University of Edinburgh. This happened before the appeal court had reversed the earlier court decision favoring the women students. But in July, 1873, Wedderburn announced that he would introduce a bill early in the following session, granting universities the power to train women in medicine and to award them degrees.

Miss Jex-Blake, by now experienced in going directly to headquarters for what she wanted, wrote to the Home Secretary. In replying he suggested that a moderate and concise statement be sent to the members of the Government. Miss Jex-Blake was in London in January, 1874, and in April a bill was introduced which, in its title, suggested her handiwork. It was called "A Bill to Remove Doubts as to the Powers of the Universities of Scotland to Admit Women as Students and to Grant Degrees to Women."[13] Second reading was set for April 24th. The Bill was tabled when Lyon Playfair, member for the Universities of Edinburgh and St. Andrew's, pleaded for more time to consider. In May the Bill was withdrawn, since another day for debate later in the session could not be arranged.

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[12] Action of Declarator, pp. 38-47.

In June Mr. Cowper-Temple, leading sponsor of the original Bill, re-introduced it somewhat modified, by proposing the following motion:

> It is expedient that legal powers should be given to the Universities of Scotland to make such regulations as they may think fit for the admission and complete education of female students.[14]

The long and bitter debate that was precipitated by this motion "was the first occasion when the question was really in any adequate way submitted to Parliament; and though in consequence of the forms of the House, no vote was taken, the publicity . . . was of the utmost value."[15] Mr. Cowper-Temple advocated the passage of the bill offering the arguments previously used by the attorneys for the women students, and emphasizing that Great Britain was lagging behind other countries in providing opportunities for the higher education of women. He referred to the thousands of signatures that had been appended to petitions to the University of Edinburgh to allow the women students to finish their class work and to earn medical degrees. He urged Parliament not to disregard the appeal of women for qualified physicians of their own sex, and to resist the pressure from certain dissenting sections of the medical profession.

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[13] Parliamentary Papers: 1874, Public Bills, Vol. V., p. 521. Hereafter PP.

[14] Parliamentary Debates, 3rd ser., 1874, Vol. 219, s.v. Universities (Scotland) Bill.

[15] Jex-Blake, op. cit., pp. 174-175.

Lyon Playfair argued that Parliament should not yield to the Universities its prerogative to legislate on matters like the one under consideration. "I do not think that Government could take up a higher or nobler work than opening up our schools and universities to women."

James Stansfeld pointed out two factors; the first was one of public policy, and the second was one of private grievance. As a matter of public policy, university education for women deserves consideration by Parliament, but leave to local authorities the details of its administration. Since women were not prevented by common law from engaging in trade, Parliament should bar artificial and unjustifiable restrictions that would exclude women from professions. Women should be permitted to train to become physicians and Parliament should create enabling conditions for that purpose. In the matter of private grievance, Edinburgh University had not played fair with its women students. After having used every legal course to get rid of the women, it objected to being granted permissive powers to enable the University to remedy the women's just grievances. The only real opposition to women physicians came from the prejudiced members of the Medical Faculty.

On the other hand, the opposition argued that women do not belong in any university unless it be in one solely for women. Women are fitted by Nature and by God to be nurses; let them remain so. "God sent women to be ministering angels, to soothe the pillow, administer the palliative, whisper words of comfort to the tossing sufferer. Let that continue women's work. Leave the physician's function, the scientific lore, the iron wrist and iron will to men."

No change was called for in the prevailing practices employed by the University of Edinburgh. No changes should be made in the Universities of Scotland that were not, at the same time, made in all the Universities of the United Kingdom.

From those members who were not violently partisan but maintained a judicial attitude came the suggestion that a Royal Commission should be appointed to study the entire question of how to devise means to promote higher education for women for it was evident that the methods used by the women to impress the University of Edinburgh officials were open to criticism. In addition, the Commission should examine the matter of the cost of equipping universities to teach women to become physicians.

One open-minded member pointed out that the entire question could be better viewed if members took account of the fact that the number of physicians was declining steadily and that the death rate was growing steadily higher. This situation raised the valid argument: if there were not enough male candidates for a physician's license, why, then, refuse women candidates?

The final argument in opposition was voiced by the Lord Advocate, member for the Universities of Glasgow and Aberdeen. He did not oppose higher education for women, nor their practising medicine. As a member of the governing body that approved the admission of women, he pointed out that admitting women did not necessarily mean that they would also graduate, though he quite agreed that "it was contemplated at the time when they were first received as students that they would do so." He doubted, however, that a breach of contract by the University of Edinburgh warranted Parliamentary interference with the constitutions of three other universities.[16]

Miss Jex-Blake and her group of women students were realistic enough to know that they faced another detour on the road toward a medical degree. That such a degree could be obtained from the University of Edinburgh now seemed hopeless. A canvass of the eleven other medical schools in London offered no promise. The debate in Parliament had had the salutary effect of revealing many of the misconceptions held by some members and had provided the opportunity to correct them. Although the matter was delayed for a year, the debate also yielded some likely alternative suggestions as possible remedies for the current deadlock. Most important, moreover, was the exposure of the opposition and its nature. When the problem was brought into Parliament, it entered a new phase, gaining new and enthusiastic adherents as well as powerful and highly-placed opponents.

While searching for a medical school that would admit women, Miss Jex-Blake had the good fortune to gain the friendship and support of Dr. A. T. Norton of St. Mary's Hospital. He made a suggestion that seemed practicable. Why not organize a medical school for women, staffed by recognized lecturers from existing schools? Acting on this suggestion, an organizational meeting was held on August 22, 1874, at the home of Dr. Anstie. A provisional committee was set up that consisted of registered medical practitioners only. Present were Dr. Anstie, Dr. King Chambers, Mr. Norton, Miss Jex-Blake, Miss Pechey, Mrs. Thorne. The immediate success of the effort seems amazing, seen in perspective. The London School of Medicine for

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[16] Parl. Deb., 3rd ser., 1874, Vol. 219, cc. 1526-1560.

Women was opened on October 12, 1874. The preponderant financial support came from the many friends won in Edinburgh during the agitation that Miss Jex-Blake had so sedulously sitrred up. In addition, help came from well-wishers in London who had become interested in the aims of the School through Dr. Elizabeth Garrett Anderson and others.

In its first year, 1875-1876, twenty-three students were enrolled. The period of preparation covered three years. The curriculum included four subjects more than those required by most of the examining boards. Six new students were admitted in the second year. Cost of operation of the school was higher than it was in most others, despite the stringent economy that was practiced. One reason was that the fees to lecturers were guaranteed, an unusual procedure.

When on June 2, 1875, Lord Shaftesbury, an enthusiastic supporter, distributed prizes earned during the winter session, he took note of the difficulties the women had been through, saying that they and the medical profession would gain in character therefrom. He stated his "belief in the inherent right of choice possessed by all persons as to their occupations. . . ."[17] He performed the same function the following year, on both occasions before an enthusiastic audience that overflowed from the largest lecture room in the school into the adjoining halls.[18]

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[17] The Times, June 3, 1875.

[18] By 1887, the London School of Medicine for Women had 77 students. Two years later the enrollment was 91; three years later it was 133; in 1896, an unprecedented entry of fifty new students brought the total enrollment to 159; in 1903 there were 318 students and in 1917 the number had grown to 441. Louisa Garrett Anerson, Elizabeth Garrett Anderson (London, 1939), p. 287.

But success was not yet assured. Indeed, the school depended for its survival on two indispensable factors; the first was official recognition by at least one of the nineteen examining boards--not one of which would grant it despite their receipt of professional guarantees that the school complied with all academic requirements and regulations. The second was the school's ability to obtain hospital instruction for its students. The London Hospital had been urged to set aside about one hundred beds, thus making available additional personnel for its understaffed organization. Approval of this plan, however, by many non-medical and a few medical men, was not significant enough to overcome the strong opposition. Resistance came also from the medical staff of the Royal Free Hospital which was close to the school and had no students at all. At the close of the second year of its existence, the London School of Medicine for Women could report great progress. But these two hurdles still had to be overcome. Legislation was the only answer.

Thus at the end of 1874, after a struggle of five years, the question of the rightful status of women in medical education and in the practice of medicine had not yet been fully resolved. By this time public opinion had been aroused and the attitudes, pro and con, of the medical profession had been firmly established so that, logically, the next step was to call for Parliamentary consideration.

CHAPTER IV

PARLIAMENTARY ACTION

Legislation that sought to legalize the granting of degrees to women by universities was reintroduced into Parliament early in 1875. It is reasonable to assume that universities, especially the University of Edinburgh, had not considered the question of the legality of graduating women students before Miss Jex-Blake and her friends appeared on the scene. But when they initiated legal action and the Court had ruled that the University lacked the power to grant degrees to women, the University authorities seized upon that ruling to keep them out. The Appeal Court, however, had indicated a remedy. "If such a power [to grant degrees to women] be desirable, it must be obtained either from the Crown or from the Legislature." This point was made by Cowper-Temple in the debate in March, 1875. He stated the aim of the new legislation: "To remove the badge of illegality and invalidity which had been stamped upon the proceedings of the University by the decision of the Court of Session." He noted that resistance came mainly from a majority of medical professors, that their prime objection arose from fear of competition, for no profession courted an increase in competition. He moved for the Bill's second reading but was immediately opposed.

The opponents of a second reading of the Bill relied on the following arguments: in the first place, the Bill had been framed by persons not familiar with Scottish Universities. "The women, admitted by a favour and a mistake of the University Court that exceeded its powers, then laid the foundation to claim admission as a right . . . which [was] tested . . . and found untenable. [Now] Parliament is asked to legislate under a pretext of alleged doubt. If . . . higher education for women had been pressed on its merits . . . every member would give it the fullest and fairest consideration. But [there was] objection . . . to changes in university . . . teaching [being made] by a side-wind, and under a mistaken pretext. But the Legislature should compel Medical Corporations to examine, license, and register qualified women applicants, thus removing their grievances." Furthermore, some opponents said laws opposing Nature should not be made. The absurdity of training women for duties "for which the nobler and sterner sex alone were suited" was pointed out. The duty of prescribing and dictating medical treatment had, by instinct and commonsense, fallen to men. "Was it not better to be a nurse like Florence Nightingale than . . . one of those she-doctors, elbowing her way in the world with masculine activity?"

Again, it was maintained, the Bill, if successful, would be injurious to the universities. Women students in a Scottish University were a disturbing element.

Lyon Playfair questioned the good faith of the framers of the Bill. His opposition was based, first, on his view that the Bill was a bad one, "unsuited to the constitution of the universities and at variance with the practice of this House, which is asked to delegate its legislative functions on an important question to a small committee of irresponsible gentlemen in Scotland. Secondly, if it became law tomorrow, it would be useless in the attainment of its purpose. . . . What is the use of conferring powers upon them [Universities] which they do not want, and which they could not exercise if they possessed them?"

James Stansfeld, one of the supporters of the Bill directed some ironical remarks toward those, who opposing the legislation, professed "a violent friendship towards women. . . ." When the House considered it expedient to open any profession to the public, he asked, was it their habit to consult members of that profession, who were likely to be opposed, and then bow to that opinion with deference?

Arthur Roebuck approved of the second reading, adding: "We are here a body of men deciding upon the interests of the community, and we ought not forget that in spite of ourselves the feeling of our own sex rises up, and men's interests are preferred to women's . . . in spite of all the soothing words we hear; and men will desire to do that for men which they will not do for women. You may talk for a month; you may bring great law to bear upon this question; you may quote names great in history, arts, and science. But you cannot rub out the stain which will be on this House if it refuses to do justice to women . . . and prevents them [from] using [their] intellect . . . in a fair, honest, and upright manner for their own good."

But in the end, the amendment to postpone the second reading for six months was carried 194 to 151.[1]

Cowper-Temple took the initiative again at the end of March, 1875 but tried a different approach. He introduced a bill entitled "Medical Acts Amendment (Foreign Universities) Bill."[2] It provided for recognition in Great Britain of medical degrees held by women graduates from universities in France, Berlin, Leipzig, Berne, and Zurich. But lacking Government support, the Bill was withdrawn in July. There was however, some progress. The feasibility, desirability, and advisability of admitting women to universities for medical education was a recurring theme in Parliamentary debates through much of 1875. The Foreign Universities Bill (Bill No. 1031), focused attention on possible alternative solutions, although it posed a threat to the power and control of the General Medical Council. Moreover, the Government could no longer stand aside without leaving itself open to the serious charge of ignoring a social question that was assuming ever greater importance in the public mind. Several queries had been addressed to Government spokesmen and the effect was one of prodding them into taking a stand. The Government reacted, a few weeks before the Foreign Universities Bill was withdrawn.

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[1] Parl Deb., 3rd ser., 1875, Vol. 222, cc. 1124-1166.

[2] PP, 1875, Public Bills, Vol. IV., p. 13.

The Lord President of the Privy Council wrote to the General Medical Council, asking for an opinion on the Foreign Universities Bill. He admitted that this Bill was very limited in its scope, but added that

> [it] can hardly fail to raise in Parliament the general question whether women ought to be able to look to medical practice, or certain branches of it, as open to them equally with men as a profession and means of livelihood. [Since] Government may have to express an opinion on this general question, with regard, on the one hand, to women who desire to obtain legal status as medical practitioners in this country, and, on the other hand, to the examination rules, or other conditions, which prevent them from accomplishing their wish, . . . the observations [of the Medical Council] should not be restricted to the particular proposal [of this Bill], but should discuss, as fully as it may see fit, the object to which that proposal would contribute.[3]

During that same session (March, 1875), Dr. Lush and Sir John Lubbock also introduced a bill, trying still another approach. Entitled

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[3] PP: 1875, Accounts and Papers, Vol. 58, p. 301.

"Medical Act Amendment (College of Surgeons' Bill)," it provided that the College of Surgeons open its examinations in midwifery to women.[4] It was referred to Committee after its second reading on April 14. Several Progress reports were rendered and finally, on July 19, 1875, the royal assent was granted.[5] When the College of Surgeons voted its seal of approval, as it did in December, Miss Jex-Blake, Miss Pechey, and Mrs. Thorne sought the privilege of examination, "a registrable qualification, though seldom taken alone by those who had a choice of various diplomas."[6] After an interval of five weeks, during which the College sought legal counsel, it was advised that it "had the power to admit women under its supplementary charter and could be compelled by legal process to examine and grant certificates; . . . that the Medical Act considered the holder of such certificate a licentiate in midwifery and as such, entitled to register."[7] There now ensued a series of pretexts for postponement of the examination. The reason was soon clear; the physicians were not unanimous in approving the privilege granted by the legislation that had received the royal assent in July, 1875.

By this time the women had completed four years of medical and surgical courses. Consequently, when on January 8, 1876, their certificates of attendance were demanded, they had a considerable number of courses in excess since they had attended all courses required for the Edinburgh University degree. On February 17, 1876, their attendance certificates were approved.

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[4] PP, 1875, Public Bills, Vol. IV, p. 17.

[5] 38 and 39 Vict. c. 43.

[6] Jex-Blake, op. cit., p. 194.

[7] British Medical Journal (1876), pp. 77-78.

Meanwhile, the Obstretrical Society[8] had created a committee to "watch the proposal to render women eligible to the license in Midwifery."[9] On February 18, 1876, this committee sent an urgent protest to the College of Surgeons saying that persons so "imperfectly qualified must really not be admitted to the Register, for it would be most injurious to the interests of the public and of the profession."[10] On February 25, 1876, the women were informed that they would have to take a special examination in anatomy and surgery. Three weeks later, they were accepted as candidates and told they would be notified when to appear for the examinations. But the public announcement of their acceptance caused the resignation of the entire Board of Examiners. No one was willing to fill the vacancies. The women were thus deprived of their sole means of registration when they were informed that examinations had been postponed. The Obstretrical Society met immediately to give a vote of thanks, by acclamation, to members of the Examining Board who had resigned.[11] Up to 1886, no examinations were given or scheduled.[12]

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[8] Inaugurated in 1858 after the first attempt in 1825 failed. It was to be devoted to advancing the knowledge of obstetrics and diseases of women and children. The founding resolution emphasized that membership would be open to all practitioners in London and the provinces. Eligibility for membership clauses made no mention of registration. Historical Review of British Obstetrics and Gynaecology: 1800-1950, eds. John M. Kerr, Robert W. Johnstone, Miles H. Phillips (Edinburgh, 1954), pp. 311 ff.

[9] Lancet (1876), p. 897.

[10] Medical Times and Gazette (1876), p. 231.

[11] Ibid., p. 198.

[12] Jex-Blake, op. cit., p. 199. Even when full powers were given to all Examining Boards to admit candidates irrespective of sex, the College of Surgeons did not avail itself of these powers.

It was not until 1909 that women were admitted to the London College of Surgeons and Physicians.[13]

Meanwhile, at the end of June, 1875, the General Medical Council, after discussing all aspects of the question, reported to the Privy Council in compliance with the latter's request:

> The study and practice of medicine and surgery, instead of affording a field of exertion well fitted for women, do, on the contrary, present special difficulties which cannot be safely disregarded; but the Council are not prepared to say that women ought to be excluded from the profession. . . . With regard to the Bill [Foreign Universities Bill] . . . the Council are precluded from registering foreign degrees, and consequently, have been compelled repeatedly to refuse to register foreign degrees held by men . . . [for] the reason that the Medical Council have no means of exercising supervision and control over the education and examination required for foreign degrees. . . . But this privilege [prohibited under the Medical Act] Mr. Cowper-Temple's Bill proposes to grant to women. Against [it] the Council . . . protest as being subversive of the main principle of the Medical Act.[14]

The report proposed conditions under which women should be required to obtain legal status, if the Government deemed it expedient to permit them to enter the profession.[15] The Council conceded, in conclusion, that midwives, who served the poor, must have more efficient instruction, and emphasized the importance of finding better ways to educate them before granting them certificates of competency. Thus the Council declared that safe and efficient practice of midwifery required that midwives must have a complete education in both medicine and surgery. Midwives did render a valuable service, although with a limited and less expensive education. However, the Council deemed it desirable to have a special register for women so educated.

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[13] Dr. Flora Murray, "The Position of Women in Medicine and Surgery," New Statesman, Vol. II (1913-1914), Nov. 1, 1913, Special Supplement, pp. xvi-xvii.

[14] PP. 1875, Accounts and Papers, Vol. 17, p. 302.

[15] Ibid., p. 303.

The minutes of the Medical Council's three-day meetings were also sent to the Privy Council. Reflected therein were significant differences of opinion, but only that one which dealt with the education of midwives will be mentioned here. The Council had observed that women had practiced midwifery from earliest times and that in many countries, Ireland, for example, midwives were acknowledged to be very useful. In fact, there they were paid out of the poor-rates and the poor-law medical officers were quite eager to seek their services because it eased their own burden. But, "certificates of competency, or license to practice . . . should be issued only after examination by colleges of physicians or of surgeons or universities, and not received, as at present, too generally from other sources."[16] Doubtless the high maternal and infant mortality rate were of considerable importance and concern to those sections of the medical profession that sought to improve conditions by calling for more education and better supervision of the practitioners.

Mr. Cowper-Temple was, even before 1875, considered by Viscount Sandon, a Government spokesman, among others, to be the leading legislative proponent of the movement to allow women to enter the medical profession. When, at the end of July, 1875, Cowper-Temple questioned Sandon about whether or not the Government would send legislation to the next session of Parliament, as a result of the recent Medical Council's Report to the Privy Council, Sandon replied that the Government's decision would be made known at the next session. Cowper-Temple reminded his colleagues that a medical school and a hospital were functioning in London, in which doctors, teachers, and patients were women. Yet, though the women held foreign degrees, they were considered to be ineligible for registration. Nor was this due to the Medical Act of 1858 under which women could be registered. It was the British universities and examining bodies that excluded women from examination. But the Medical Council proposed new and special examinations for women, equal in quality to those for men.[17]

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[16] *Ibid.*, p. 305.

By 1876, the supporters of medical education of women had evolved a double strategy. On the one hand, they attempted to amend the Medical Act of 1858 by according recognition to holders of foreign university degrees and to those possessing proper qualifications. On the other hand, they recommended that the regulations of the nineteen Examining Boards be changed to provide uniform eligibility requirements for applicants, and uniform examinations to enable qualified candidates to become registered as legal practitioners. Cowper-Temple's zealous advocacy, for example, can be explained by the fact that, having taken a leading part in the framing of the Act of 1858, he contended that the Act had been misconstrued by the Examining Bodies, including universities, to suit their own purposes. To be sure, there still prevailed the nineteenth-century concept of Nature's role for women--as nurses to the sick and mistresses of their households where they ruled the children and servants, and were ruled by their husbands. This concept was reflected in the attitudes of the medical faculties, medical profession, medical societies and medical examining boards.

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[17] Parl. Deb. 3rd ser., 1875, Vol. 226, c. 268.

In May, 1876, Cowper-Temple reintroduced his Medical Act Amendment (Foreign Universities) Bill. It provided that "Women who are doctors of medicine may be registered and other universities may be added to the Schedule attached to the Bill."[18] The call for its second reading precipitated much debate. Cowper-Temple opened the debate with the statement that the 1858 Act used the word "persons" and did not specifically exclude female persons. Moreover, he reminded his colleagues that, in fact, two women had actually been registered under the Act--Elizabeth Blackwell and Elizabeth Garrett. The maneuver that excluded women must, therefore, be attributed to the examining bodies that altered their rules, as in the case of the Apothecaries' Society, and to conditions imposed by the medical corporations. The resignation of the entire Board of Examiners in midwifery and the unwillingness of others to serve on it were also contrived. With England's universities closed to them, twelve of the twenty women then studying at the University of Paris were English, Scotch or Irish. This bill proposed to remedy the procedures that nullified the operation of the Act, namely, the prevention of women physicians from practicing legally. The objection was made that the contemplated change would necessitate the admission of men with foreign degrees if women were admitted. "But calling for equality that inflicted injury on women, and disregarding equality when it could operate in their favour was hardly consistent with justice," he argued.

Cowper-Temple was supported by a number of the members of

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[18] PP: 1876, Public Bills, Vol. V., p. 29.

Parliament. It was pointed out that the death rate had remained stationary over the preceding thirty or forty years while the supply of medical men had decreased. According to the census of 1851 there were 15,800 practitioners in the population of sixteen million. But in 1871, there were only 14,600 medical men in a population that had grown to twenty-three million people. Moreover, the colonial empire had absorbed many physicians who would otherwise have remained at home. Thus the law had been misconstrued, placing women under many disabilities. Therefore, Parliament ought to correct this anomaly. Delaying the entrance of women into medical practice was an injustice to the women who were studying and to those who were suffering with illness.

On the other side it was argued that women's admission to medical training would lower moral standards as well as educational standards. Even at that time the nineteen Examining Boards were lowering standards to attract candidates, since they depended largely on money received for passing their students. Proper medical qualification was a more pressing matter than admitting women to practice medicine. It was unfortunate that "three or four ladies, by some means or other, had gotten their names into the Medical Register," but "hopefully, the number would never be increased."

Lyon Playfair conceded that the public had shown surprisingly little prejudice in the past year and that opposition had been reduced considerably. Medical men in his constituency had not sent a single letter of objection. Nor had the two universities (Edinburgh and St. Andrews) petitioned against the Bill. The Royal Commission on Scotch Universities, created the previous month, and of which he was a member, would, he promised, study the subject.[19] Furthermore, the Government had expressed approval and wanted one of the two bills now before them passed in the current session, namely, the permissive one that allowed Licensing Bodies to admit women to practice medicine and surgery. Under the circumstances, Cowper-Temple, sponsor of the second (Foreign Universities) Bill, could, perhaps, be persuaded not to press for its passage. As for admitting women to the Register, a provision of the second Bill, Playfair counseled patience. James Stansfeld agreed that it would be inadvisable to press the measure before them in view of the circumstances referred to by Lyon Playfair. "Admitting women . . . was simply a matter of time," said Stansfeld, withdrawing his Bill, which he felt to be no longer necessary.[20]

Later the same month, Russell Gurney, Recorder of London, brought in an enabling bill entitled "Medical Act (Qualifications) Bill: To remove restrictions on granting of qualifications under the Medical Act on the grounds of sex and extend the power to grant qualification to all bodies under the Medical Act."[21] The Medical Council, to whom the Bill was referred, suggested including the provision mentioned in the course of the debate by Viscount Sandon, namely, that even if women were admitted to the Register, they would thereby not necessarily be qualified to take seats on the Governing Bodies of the University

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[19] The four volume report of the Royal Commission made only the most casual of references to women candidates for medical degrees because the Commission refused to give the women a hearing. PP: 1878, Reports from Commissioners, Vol. 32-35.

[20] Parl, Deb., 3rd ser. 1876, Vol. 230, cc. 1001-1019.

[21] PP: 1876, Public Bills, Vol. V., p. 33.

Corporation. In confirming Government support of Russell Gurney's Bill, Sandon emphasized its permissive character. When Russell Gurney incorporated the suggested provision, the royal assent was given for his Bill on August 11, 1876.[22]

Early in February, 1876, Dr. Cameron had brought in a bill entitled: "Medical Practitioners Bill: To enable legally qualified medical practitioners to hold certain medical appointments and to amend the Medical Act; qualification of bachelor in surgery and diploma in state medicine to be registered under the Medical Act."[23] The significance of the Bill rested on the provision that the holder of a degree in medicine was entitled to be registered under the Medical Act. The royal assent was given to this Bill also on August 11, 1876.[24]

Dr. Cameron's Bill and Russell Gurney's Bill were amendments to the Medical Act of 1858 and became law with a minimum of debate. By midsummer of 1876, the women candidates could be reasonably sure that the barriers were being gradually demolished. They might still encounter an occasional snag but no more serious difficulties.

The first benefits of Russell Gurney's Enabling Act were reaped by Miss Pechey and Miss Shove in September, 1876, when they applied for admission to the Irish College of Physicians and were accepted. It was, therefore, the first examing body to admit women.[25] Furthermore, it was also the first to recognize the Women's Medical School of London, and it accepted women on the same terms as men. The following year, several women who held foreign university degrees were admitted to examinations, and in due course, were registered in the national Medical Register after a twelve-year interval.[26]

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[22] 39 and 40 Vict., c. 41.

[23] PP: 1876, Public Bills, Vol. V., p. 37.

[24] 39 and 40 Vict., c. 40.

[25] Jex-Blake, op. cit., p. 95.

Although the eventful year of 1876 was doubtless the turning point in the struggle for medical education for women in Britain, students of the Women's Medical School in London were still barred from hospital training. The Royal Free Hospital adjacent to the School had no male school connected with it. But it still refused women admission. James Stansfeld used his good offices with the Chairman of the Board, who ignored the refusal of the medical staff and appealed directly to its lay members. They persuaded the medical staff to cease resistance to a request that was "just and right." Unanimous consent quickly followed. When the women arrived, the medical men discarded their earlier resistance and treated the women students very well. The women were given excellent instruction both in the hospital and the out-patient departments, a service which enriched their clinical experience immeasurably. Miss Jex-Blake was fortunate enough to see the fruits of her motto, "A fair field and no favour," won in her own lifetime, for herself and her associates.

In 1877 and 1878, Parliament sought to extend and refine the Medical Act of 1858. "Conjoint schemes" were proposed, which would in effect, reform the system of issuing licenses to holders of degrees. These took the form of amendments to the Act. Women's eligibility for medical education in separate classes, their admission to examinations, followed by registration in the Medical Register, were affirmed and remained an intrinsic part of all these proposals for legislation. No attempt was made, however, to weaken the permissive privileges granted to Examining Bodies under Russell Gurney's Enabling Bill which became law on August 11, 1876. Many restrictions still remained, and they were enforced to the degree that each individual Examining Body chose to exercise its option to admit or to bar women.

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[26] Ibid., Notes pp. 95-96 contain a list of fifty women whose names appeared on the British Medical Register up to Jan. 1, 1886, with their year of registration, and the degrees they held.

Several kinds of "conjoint schemes" were debated. Among them was one that applied to all the medical examining bodies of England, Scotland, Wales, and Ireland. Adherence of these examining bodies to a central authority would be mandatory, but some autonomy or permissive features would be allowed each section of the country because of the reluctance of examining bodies to surrender sovereignty to a central authority. Another plan proposed a "conjoint scheme" for each of the four parts of the British Isles. Under this plan, examining bodies in each part would be obligated to act jointly in promulgating uniform requirements before admitting applicants to take examinations that would also have to be uniform. Under this plan, freedom of action would reside in each examining body through its selective process as applied to applicants.

To all such proposals the Universities of Scotland remained obdurate. To them, legislation that favored women medical candidates was unacceptable.[27] They chose to ignore the question. When in 1878 the Royal Commission--Universities of Scotland--published its four-volume report, there was only casual reference to women medical students who had been refused a hearing. Dr. Robert Christison appeared before the Commissioners and was queried about powers granted various administrative bodies of Edinburgh University under law, and about their right of review and appeal from decisions about which there was disagreement, particularly those rendered by the Senatus and the University Court. He replied: "I shall suppose that on the important question of the education of ladies the Senatus and the Court had a difference of opinion and in that case the Court might be inclined to exercise the power of review. . . without appeal; but . . . in the event a difference of opinion--and upon that question there was a very wide difference of opinion indeed--there would be a certainty of appeal. . . ."[28] Nothing more was said about medical education for women in the Commissioners' Report.

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[27] Parl. Deb., 3rd ser., 1877, Vol. 233; 1878, Vols., 238-240.

The closest approach to uniformity of requirements for medical degree candidates in the nineteenth century came with the passage of the Medical Act of 1886.[29] By this Act a qualifying examination was defined as "an examination in medicine, surgery, and midwifery" conducted by universities or by medical corporations, one of which had to be capable of granting a diploma in medicine, and one in surgery. Admission of women to examinations still remained optional, the decision resting with the particular Examining Body.

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28 PP: 1878, Reports from Commissioners, Vols. 32-35.

29 49 and 50 Vict. c. 48.

CHAPTER V

CONCLUSION

Miss Jex-Blake and Miss Pechey were determined, resourceful women. Had they been otherwise, no one knows how long the privileges of studying and practicing medicine might have been withheld from women. It was their fight and they triumphed, though not altogether on the site of their own choice. Miss Jex-Blake finally took her medical degree in Berne; Miss Pechey took hers in Ireland. Miss Jex-Blake practiced in Edinburgh where she founded a hospital for women in 1886 and Miss Pechey did remarkable work in India.

If these two women had not succeeded in making for themselves extraordinarily fruitful medical careers, there might be reason to believe that they were more interested in expanding participatory rights of women in what they conceived to be a hostile world, than they were in gaining the right to study and practice medicine. Their assertiveness, insistence, and combativeness, all seemed to bring out the worst in those members of the medical faculty who did not want them to study medicine. Nevertheless, they won much support, not only from the lay public, but also from many physicians. It may be said with reason that without the medical support, they might not have won the victories of 1875 and 1876. Public support was forthcoming long before the Parliamentary debates. Many organs of the press, both general and professional, were favorably inclined.

Miss Jex-Blake was a first-rate organizer of public opinion. She did not hesitate to seek help from people who could influence public opinion, persons of distinction, like Thomas Henry Huxley,[1] Charles Darwin and many others too numerous to mention, as well as public figures like Cowper-Temple and James Stansfeld. Perhaps some personal traits of Miss Jex-Blake, and to a lesser extent, of Miss Pechey, were not altogether agreeable. They were not womanly in the sense that that word was then used, i.e., they did not devote themselves exclusively to being sweet and charming. But the thought is unavoidable that, had they been otherwise, the legislation that whittled away some of the restrictions that existed, might have been delayed for years.

Admitting women to the medical profession brought rather quick results. By 1881 there were twenty-five women doctors in England. A decade later, there were one hundred; two decades later, more than two hundred, and in 1911, almost five hundred.[2]

Three-quarters of a century has passed since the women students began their agitation at Edinburgh University, and today it may surprise many that they had to fight at all. In this account it is of more than passing interest to note a few remarks made by the Vice Chancellor of the University of Edinburgh at a Graduation Ceremonial on October 23, 1926, which also commemorated the two hundredth anniversary of the founding of its Chair of Midwifery:

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[1] Life of Thomas Henry Huxley, ed. by his Son, Leonard Huxley, Vol. I, pp. 415-416.

[2] Ray Strachey, op. cit., pp. 166 ff. Also Dr. Flora Murray, op. cit., pp. xvi-xvii.

> One very interesting item in the statistics that deserves more than passing mention is the largely increased number of women in the University. Last year, out of 3953 matriculated students, 1911 were women. That is between one third and one quarter. In the Faculty of Arts, more than half of the number were women. In Science and Medicine the proportion was . . . much less, but there is no Faculty, not even Divinity . . . which escaped the invasion. . . . These figures are significant of a social change.[3]

That statement would have interested Miss Jex-Blake. She died only fourteen years before it was made.

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[3] University of Edinburgh Journal, Faculty of Medicine, Bicentenary of the Faculty of Medicine, 1726-1926; records of the celebration (Edinburgh, 1926), pp. 191-192.

APPENDIX A

MIDWIFERY

A few brief remarks on the history of midwifery must be included in any treatment about women in medical education in Britain in the nineteenth century. From the earliest times until about the middle of the sixteenth century, women at childbirth were attended almost exclusively by female midwives, all of whom, with rare exceptions, were untrained, unskilled and ignorant. From time to time, attempts were made, that invariably ended in failure, to train and teach them the rudiments of medicine as applied to midwifery. But the traditional view among medical men and the people in general, strongly supported by all prevailing religious beliefs, was that childbirth should proceed without interference, since it was a physiological process. Unfortunately, however, owing to circumstances imperfectly understood, the process did not always run its physiological course. Yet, as late as 1834, Sir Anthony Carlisle, an eminent surgeon, told a Select Committee that "it is an imposture to pretend that a medical man is required at a labour."[1] Consequently, if mother and child survived, God be praised! If not, God's Will be done!

Midwives called for help from doctors only after matters had taken a difficult or unfamiliar turn, but usually too late to save the lives of mother or child. In fact, even many doctors were ill-informed in this branch of medicine. No less a person than Sir Henry Halford, President of the Royal College of Physicians, stated in 1827 in a letter to Sir

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[1] Kerr, et al., Historical Review, p. 332.

MIDWIFERY (cont.)

Robert Peel that the practice of midwifery was "an act foreign to the habits of a gentleman of enlarged academic education."[2]

The earliest attempts to teach midwifery in England occurred in the first quarter of the seventeenth century. The Chamberlens, a family of many physicians, were inventors of forceps that reduced the danger of maternal and infant mortality, but they kept this instrument a family secret for generations. However, they offered to give instructions in its use without divulging the secret of its construction. Accused of aiming to establish a monopoly, they failed in their efforts. Eminent physicians like Percival Willoughby in 1660 and John Maubray in 1725 pressed for training and control of midwives, but to no avail. Books on the subject were written by specialists on the Continent and translated into English. Yet, Maubray, one of the earliest teachers of the subject in England, opposed the use of all instruments.

Medical opinion was divided, by and large, into two categories; on the one hand, conviction about the general inadvisability of surgery that arose from extreme timidity concerning all interference with nature; on the other hand, so-called "meddlesome midwifery" that called for skillful and early use of instruments before it was too late. To be sure, the latter method demanded greater knowledge of theoretical and clinical obstetrics, neither of which was included in required medical studies until the late nineteenth century. Medicine and surgery, apparently.

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[2] Ibid., p. 332.

profited much earlier from the Renaissance and Reformation than did obstetrics.[3]

The first Chair of Midwifery was established by the Edinburgh Town Council in the University of Edinburgh in 1726, but study of the subject was not mandatory for medical students. Sir Alexander Grant, Principal of the University of Edinburgh, confirmed that "It was hardly contemplated in those days that medical students should go through a course of obstetrics, the whole practice and profession of which was then left to females."[4]

The extremely high maternal mortality rate up to and through the nineteenth century can be ascribed, therefore, not only to ignorant and untrained midwives, but also to uninformed, ill-informed and disinterested male medical practitioners as well.

Midwifery in England was not regulated or supervised until the General Medical Council was created by the Medical Act of 1858. Such regulations as existed derived from the separate diploma-granting bodies and this applied also to the entire medical curriculum. University regulations were fairly uniform. But diploma-granting colleges of Physicians and Surgeons and the two English Royal Medical Colleges in particular lagged behind the Universities. The Royal College of Surgeons did not include questions in midwifery in its examinations for

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3 Alexander R. Simpson, article entitled "Obstetrics," in the Encyclopedia Britannica, 11th ed., Vol. 19, p. 962.

4 Sir Alexander Grant, Story of the University of Edinburgh during its First 300 Years, 2 Vols. (London, 1884), Vol. I, p. 315.

MIDWIFERY (cont.)

membership, which, in itself, implied competence to engage in medical practice. The same was true of the Royal College of Physicians of London in its examinations for licentiates. In fact, it was not until 1886 that the Conjoint Board Examination of the two Royal Colleges examined candidates in medicine, surgery, and midwifery.

In 1872, England was the only European country (except part of Belgium) that left midwives unregulated. In every other country, they were instructed by the state, then licensed and supervised. As late as 1879, the General Medical Council did not include a representative of obstetrics. But by 1889, the Medical Council stated that

> the absence of public provision for the education and supervision of midwives is productive of a large amount of grave suffering among the poorer classes and [it] urged upon the Government the importance of passing to law some measure for the education and registration of midwives.[5]

In 1881 the Midwives' Institute was established in London "to raise the status of midwives and petition Parliament for their recognition."[6] A Bill, drafted and promoted by the Midwives' Institute, failed to pass a second reading because objection was made to a provision requiring midwives to have a certificate of moral character while doctors were exempt from such provision. A staunch supporter of the Institute, Florence Nightingale, wrote in 1881 to one of its founders that "It is a farce and mockery to call [women practising midwifery] midwives or even midwifery nurses, and no certificate now given makes them so.

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[5] Report on Physical Welfare of Mothers and Children, Carnegie United Kingdom Trust, Vol. II, p. 19.

[6] Ibid., p. 20.

France, Germany, and even Russia, would consider it woman slaughter to 'practice' as we do."[7]

In 1893 a Select Committee reacted to the changed attitude of the medical profession. On July 31, 1902 the Midwives' Act received royal assent, effective April 1, 1903. The Central Midwives' Board, which was not required to have a single midwife member, was responsible directly to the Privy Council. This Board also administered the Act, which applied to England and Wales only. Designed to protect the women and babies of the poor, the Act stated its object to be "to secure the better training of midwives and to regulate their practice." The census of 1901 showed that 3055 were in practice, while the roll of 1905 contained 22,308 names, not one of whom had passed the examination of the Board. Gradually, during the next fifty years, regulation became effective, with few changes. Yet it seems extraordinary that the last of the bona fide midwives disappeared from the practising roll as recently as 1947.[8]

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[7] Kerr, et al., Historical Review, p. 335.

[8] Ibid., p. 336.

APPENDIX B

A FEMALE MEDICAL STUDENT AT UNIVERSITY OF EDINBURGH IN 1812

It is a matter of record that Dr. James Barry was a woman who obtained a medical diploma from the University of Edinburgh in 1812 when she was fifteen years of age. In order to do this, she passed herself off as a man; she cut her hair and wore short trousers. So disguised, she has the distinction of being the first woman doctor in the British Isles[1] as well as on the other side of the Atlantic Ocean.[2] Little else is known about her before she joined the British Army in 1813 as a hospital mate. As a reward for distinguished service during the Battle of Waterloo, she was promoted to the post of assistant surgeon. She maintained her male disguise throughout her entire life and with it, the secret of her sex, even while serving in military hospitals in many parts of the British Empire, including South Africa, Canada, and the West Indies. In South Africa she was staff surgeon and medical advisor to Lord Charles Somerset, Governor of Cape Town. Attracting a great deal of attention as a quarrelsome, eccentric person, she was frequently arrested for breaches of discipline that were, somehow, always condoned by the Governor who regarded Dr. Barry as a very skillful physician. In 1858, seven years before her death, the name of Dr. James Barry appeared in Hart's Annual Army List as the head of inspectors-general of hospitals, the highest position in the service. Visiting Cape Town in 1819, the Earl of Albemarle became curious upon

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[1] Journal of the Royal Army Medical Corps (London), May, 1951, "Dr. James Barry," by Colonel N.J.C. Rutherford.

[2] Esther Pohl Lovejoy, Women Doctors of the World (New York, 1957), p. 277.

A FEMALE MEDICAL STUDENT AT EDINBURGH (cont.)

hearing the Governor's description of this person, so capricious yet so privileged. His curiosity was soon satisfied when, during a regimental dinner, he found himself sitting beside a young, beardless man with an effeminate manner, whose conversation was so superior that it impressed itself upon the Earl's memory.[3] Apparently, neither her landlady nor her servant who lived with Dr. Barry for years, had the slightest suspicion that the tenant was a woman.

After her death, medical authorities, disobeying her instructions that no autopsy be performed,[4] officially reported their findings, following the announcement of the death of Dr. James Barry in The Times of July, 1865. For more than fifty years she had played the part of a male. The death certificate was marked "male" and the inscription on her tombstone at Kensal Green, London, officially confirms the impersonation.[5]

"With such a successful precedent before them" wrote Dr. Alfred Swaine Taylor, "the Examining Board of Edinburgh University are hardly justified in excluding women from professional study and examinations."[6]

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[3] George Thomas Keppel (6th Earl of Albemarle), Fifty Years of My Life, 2 Vols., 2nd ed. (London, 1876), Vol. II, pp. 99-101.

[4] Alfred Swaine Taylor, Principles and Practice of Medical Jurisprudence, 6th ed. (London, 1910), I, p. 175.

[5] Lovejoy, op. cit., p. 278.

[6] Taylor, op. cit., 1873 ed., Vol. II, p. 287.

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